

MIAMI BEACH

City Commission Meeting

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

Mayor Philip Levine
Vice-Mayor Edward L. Tobin Absent
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 9:00:13 a.m.

9:00:21 a.m.

Inspirational Message given by Rabbi Amy Morrison, with Temple Beth Shalom.

Pledge of Allegiance led by Fire Chief Virgilio Fernandez.

Rafael E. Granado, City Clerk, announced items deferred, separated and withdrawn, and noted the corrections in the Commission Agenda, for the record, which will be included in the After Action:

R5M Withdrawn
R7K deferred to October 21, 2015.
Corrections noted included in the After Action

ITEMS SEPARATED:

C2A and C4A by Commissioner Grieco
C4A, C4C and C7I by Commissioner Malakoff
C7M by Commissioner Weithorn

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

ADDENDUM MATERIAL 1:

C4F C4G
R7P R9O

SUPPLEMENTAL MATERIAL 1:

R7D-1 Memorandum, Resolution & Ordinance
R7D-2 Memorandum, Resolution & Ordinance
R7D-3 Memorandum, Resolution & Ordinance
1A Memorandum, Resolution & Ordinance

SUPPLEMENTAL MATERIAL 2:

C2D Memorandum
R5E Ordinance
R5L-1 Memorandum & Ordinance
R5L-2 Memorandum & Ordinance
R5O Memorandum & Ordinance
R5P Memorandum & Ordinance
R7L Memorandum & Resolution

SUPPLEMENTAL MATERIAL 3:

C2G Memorandum
R5N-1 Memorandum & Ordinance
R5N-2 Memorandum & Ordinance
R5N-3 Memorandum & Ordinance
R7D-1 Revised Exhibit B
R7D-2 Revised Exhibit B
R7D-3 Revised Exhibit B
R7H Memorandum & Resolution
1A Revised Exhibit B

SUPPLEMENTAL MATERIAL 4:

C7E Revised Resolution
R5F Memorandum & Ordinance
R5K Ordinance
R7F Resolution & Agreement
Reports & Informational Items No. 4

City Clerk's Note:

Pursuant to Ordinance 2015-3954, Sec. 2-12(3), addendum agenda items C4F, C4G, R7P and R9O have been approved by Mayor Levine to be placed on the Commission Agenda. No additional vote is required.

CONSENT AGENDA**9:04:20 a.m.**

ACTION: Motion made by Commissioner Malakoff; seconded by Commissioner Grieco to approve the Consent Agenda except separated items; Voice vote: 4-0. Absent: Vice-Mayor Tobin and Commissioners Weithorn and Wolfson.

C2 - Competitive Bid Reports**9:04:31 a.m.**

C2A Request For Approval To Issue A Request For Qualifications (RFQ) No. 2015-245-KB For Architectural And Engineering Design Services For The Lincoln Road District Improvements.
(Procurement/Capital Improvement Projects)

ACTION: Request approved with recommendations made by Commissioner Grieco to defer for one week; seconded by Commissioner Malakoff. Voice vote: 4-0. Absent: Vice-Mayor Tobin, Commissioners Weithorn and Wolfson. **Alex Denis and Denis Martinez to handle.**

Commissioner Grieco explained his reason for separating the item. He had spoken to the City Manager regarding notes he made regarding the RFQ, he recommends the five-person selection team include one Lincoln Road property owner; one Lincoln Road property or business owner; and a resident in the vicinity or one who has no financial stakehold from Lincoln Road. He additionally asked the RFQ to be postponed for one week so that his colleagues can review the notes.

Commissioner Malakoff agreed with Commissioner Grieco's statement.

City Clerk's Note:

C2A was continued to October 21, 2015 Presentations and Awards Commission meeting per City Manager's request.

C2B Request For Approval To Award A Contract Pursuant To Invitation To Bid (ITB) No. 2015-191-YG For South Pointe Park Water Feature Remediation.
(Procurement/Capital Improvement Projects)

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

C2C Request For Approval To Award Contracts To Robertson Industries, Inc., As The Primary Vendor For Group I, And Leadex Corporation, As Secondary Vendor For Group I, And Metro Express, Inc., As The Primary Vendor For Group II, And Leadex Corporation, As Secondary Vendor For Group II, Pursuant To Invitation To Bid (ITB) No. 2015-137-AK, For Pour-In-Place Playground Surfaces And Bonded Aggregate For Landscaped Areas.
(Procurement/Greenspace/Parks & Recreation)

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

SUPPLEMENTAL MATERIAL 2: Memorandum

C2D Request For Approval To Issue A Request For Proposals (RFP) No. 2016-009-ME To Seek Proposals From Parties Interested In Partnering With The City Of Miami Beach, Florida, To Develop Public Parking Garages Within The City.
(Procurement/Parking/Tourism, Culture & Development)

ACTION: Request approved. **Alex Denis, Saul Frances and Max Sklar to handle.**

City Clerk's Note - Correction:

Supplemental Material 2, Page 7, in the Conclusion section, make the following correction:
The City Manager recommends that the Mayor and Commission authorize the issuance of ~~the RFQ for Architectural and Engineering Design Services for the Lincoln Road District Improvements is subject to funds availability approved through the City's budgeting process~~ RFP 2016-009-ME To Seek Proposals From Parties Interested In Partnering With The City Of Miami Beach, Florida, To Develop Public Parking Garages Within The City.

C2E Request For Approval To Award Contracts To A Quick Board Up Service, Inc. As Primary Vendor, 911 Restoration, Inc. As Secondary Vendor Pursuant To Invitation To Bid (ITB) No. 2015-145-AK For Emergency Board-Up And Securing Service.
(Procurement/Building)

ACTION: Request approved. **Alex Denis and Mariano Fernandez to handle.**

C2F Request For Approval To Exercise Term Renewal Options On Contracts For Routine Operational Requirements.
(Procurement)

ACTION: Request approved. **Alex Denis to handle.**

SUPPLEMENTAL MATERIAL 3: Memorandum

C2G Request Approval To Award A Contract Pursuant To Invitation To Bid (ITB) 2016-002-KB For The Painting And Striping Of Dedicated Bicycle Lanes.
(Procurement/Transportation)

ACTION: Request approved. **Alex Denis and Jose Gonzalez to handle.**

C4 - Commission Committee Assignments**9:06:13 a.m.**

C4A Referral To The Planning Board - Proposed Ordinances Amending Chapter 114 And Chapter 142 Of The Land Development Regulations Of The City Code, And Chapter 6 Of The City Code, Pertaining To Alcoholic Beverage Regulations.

(Sponsored by Commissioner Joy Malakoff)

(Legislative Tracking: Planning)

(Deferred from September 2, 2015 - C4C)

ACTION: Item separated by Commissioners Grieco and Malakoff. Motion made by Commissioner Malakoff; seconded by Commissioner Grieco to refer the proposed ordinance to the Planning Board. Voice vote: 5-0. Absent: Vice-Mayor Tobin and Commissioner Wolfson. **Thomas Mooney to place on the Board agenda and to handle.**

REFERRAL:

Planning Board

Commissioner Grieco stated his concerns of considering disc jockeys as entertainment. He explained that there are many restaurants that have live disc jockeys who do not play music above conversation level.

Commissioner Malakoff stated that the new alcohol beverage ordinance that has been worked on by Alex Tachmes, Esq., provides a new definition of an ambient disc jockey, which is a DJ who plays background music, allowing people in the establishments to have normal conversation level.

Commissioner Grieco raised the point on page 171 section 3(c) where it mentions 40% floor area. He believes it was 49% only.

Commissioner Malakoff explained the recommendation was 40%, as allowed, and 49% in accessory use in multifamily building.

Discussion held.

Thomas Mooney, Planning Department Director, explained that the definition was drafted for the floor area. Pool decks are typically not floor area, and would not be counted unless given direction by the City Commission to calculate gross floor area, including decks.

Commissioner Malakoff explained that she pulled the item because there are two areas in particular where neighbors are complaining of loud noises: the Alton Road West area and the 17th Street near Palm View Historic District. These areas will be addressed at the next Planning Board meeting in December. She further elaborated that this is a business-friendly City, but they will make sure they protect its residents.

Alex Tachmes, Esq., asked for clarification regarding Commissioner Malakoff's comments, and asked if the City Commission will incorporate the edits in the ordinance.

Thomas Mooney, Planning Department Director, answered that the edits will be incorporated.

- C4B Referral To The Land Use And Development Committee And The Planning Board - An Ordinance Amending Chapter 138 Of The Miami Beach City Code, Entitled "Signs," Article IV Entitled "Temporary Signs," At Section 138-140 Entitled "Vacant Storefront Covers And Signs" To Mandate That All Vacant Storefront Windows And Doors Be Wrapped In Non-Commercial Paper Designs; Providing For Enforcement And Penalties; And Providing For Repealer, Codification, Severability, And An Effective Date.
(Sponsored by Commissioner Michael Grieco)

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

9:11:47 a.m.

- C4C Referral To Neighborhoods/Community Affairs Committee - Discussion Regarding Multi-Use Asphalt Skate/Bike Pump Track In North Beach.
(Sponsored by Commissioner Michael Grieco)

ACTION: Item referred. Item separated by Commissioner Malakoff. Motion made to refer the item to NCAC by Commissioner Grieco; seconded by Commissioner Malakoff; Voice vote: 5-0. Absent: Vice-Mayor Tobin and Commissioner Wolfson. **Daphne Saba to place on the committee agenda. Eric Carpenter and David Martinez to handle.**

Commissioner Malakoff stated that she believes there should be a skate park in North Beach, but it should be strictly a skate park and not a pump track. Pump tracks are for BMX bikes, which are dirt bikes that go fast, and are used for doing tricks. Having bikes and skates using the same routes in the park will not work, this is why it must be exclusively a skate park.

Commissioner Grieco stated that there is a skate park under the Brooklyn Bridge that is both for skates and BMX bikes. He provided his own experience as a skateboarder in his youth adding that the parks he frequented were all mixed-use. He would like to discuss this item further at the NCAC.

Commissioner Malakoff stated that her understanding is that the skate park Commissioner Grieco is referring to is now prohibiting skateboards, because of the problems they have had with bicycle and skateboards using the same paths.

Discussion continued.

Commissioner Malakoff urged the City Commission to look at skate parks that are exclusively for skateboards.

- C4D Referral To The Land Use And Development Committee And The Planning Board - Amendments To The City Code, Including The Land Development Regulations, To Improve The City's Resiliency To Sea Level Rise, Flooding And Natural Hazards.
(Sponsored by Commissioner Joy Malakoff)

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

- C4E Referral To The Sustainability & Resiliency Committee - A Discussion Regarding Seawalls, Policy And Enforcement.
(Public Works)

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

City Clerk's Note – Correction:

Ref: LUDC Sustainability Resiliency Committee - Seawalls, Policy & Enforcement.

ADDENDUM MATERIAL 1:

- C4F Referral To The Land Use And Development Committee - Discussion On Expanding The Role Of The Board Of Adjustment To Include The Review Of New Single Family Homes, With Two Additional Members Being Appointed By The Commission In The Categories Of Architect And Landscape Architect.
(Sponsored by Commissioner Joy Malakoff)

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

ADDENDUM MATERIAL 1:

- C4G Referral To The Land Use And Development Committee And Planning Board - Land Use Amendment Regarding The Selling Of Alcoholic Beverages At The Following Locations: North Shore Bandshell, Shane Rowing Center, And Botanical Garden.
(Sponsored by Commissioner Michael Grieco)

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

C6 - Commission Committee Reports

C6A Report Of The September 9, 2015 Land Use And Development Committee Meeting: **1.** Discussion On Proposed Amendments To The Land Development Regulations To Remove The Existing 'Sunset' Provision For Parking District No. 5 (Sunset Harbor) And To Clarify The Conditional Use Requirements In The CD-2 District. **2.** Discussion Regarding Seawall Conditions, Encroachments Into Public Property For Private Use. **3.** Discussion Regarding Traffic Studies. **4.** Proposed Revisions To Chapter 126 Of The Land Development Regulations Of The City Code, Pertaining To Landscaping And Minimum Standards For The Landscaping Of Private Properties And Adding A Requirement For A Tree Survey Prior To The Issuance Of A Demolition Permit. **5.** Discussion: Legal Opinion Concerning Whether A Vacancy On The Historic Preservation Board Renders The Board Improperly Constituted And Without Power To Act, And To Discuss An Amendment To Sec. 2-22(21) To Require The Mayor And City Commission To Fill Board Vacancies Within 90 Days. **6.** Discussion Regarding Amending The City Charter And City Code To Provide That, Instead Of The Board Of Adjustment, The Chief Special Master Shall Hear And Decide Appeals From, And Review, Any Order, Requirements, Decision Or Determination Made By An Administrative Official Charged With The Enforcement Of The Zoning Ordinance Of The City Of Miami Beach. **7.** Discussion On A Proposed Ordinance Amendment To Modify The Minimum Front And Side Setback, And Minimum Pervious Area Requirements For Single Family Homes, As Well As Simplifying The Regulations Pertaining To The Calculation Of Unit Size And Lot Coverage. **8.** Discussion Pertaining To Main Use Parking Structure Height Limits On Terminal Island. **9.** Discussion Regarding Additional Height In The Alton Road Parking District For Projects That Provide Structured Parking. **10.** Proposed Alton Road Alcoholic Beverage Establishment Overlay. **11.** Discussion Regarding Alcoholic Beverages As A Conditional Issue In Commercial Districts. **12.** Discussion Regarding The Vacation Of A Portion Of The Alley Between Alton Road And West Avenue, Just South Of 17th Street - As Part Of A Proposed Mixed Use Project That Will Include Residential, Retail And Structured Parking, Including Public Parking. **13.** Proposed Amendment To Section 146-306 - Development Regulations In The CD-2 Commercial Medium Intensity District. **14.** Washington Avenue Zoning Incentives - An Ordinance Amending The Land Development Regulations (LDR's) Of The City Code, By Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 5, "CD-2 Commercial, Medium Intensity District," To Establish Section 13-309, "Washington Avenue Development Regulations And Area Requirements," To Modify The Development Regulations For Properties Fronting Washington Avenue Between 6th Street And Lincoln Road; By Amending Chapter 130, "Off-Street Parking," Article II, "Districts; Requirements," To Establish Parking District 7 To Modify The Parking Requirements For The Properties Fronting Washington Avenue Between 6th Street And Lincoln; Providing For Codification; Repealer; Severability; And An Effective Date.

ACTION:

1. Proposed Amendments To LDR To Remove Existing Parking District No. 5 (Sunset Harbor).

MOTION: No further action by acclamation.

2. Seawall Conditions, Encroachments Into Public Property For Private Use.

AFTER ACTION:

Jay Fink provided an overview and update regarding seawall encroachments into public waterways and indicated the policy now is to allow rebuilding seaward once up to the width of a seawall (18 inches), otherwise demolition of existing seawall and construction of a new seawall within the property is required.

3. Discussion Regarding Traffic Studies.

MOTION: Continued to October 7, 2015 by acclamation.

4. Proposed Revisions To Chapter 126 Of The Land Development Regulations.

MOTION: Continued to November 18, 2015 by acclamation.

5. Legal Opinion Concerning A Vacancy On The HPB.

MOTION: Continued to October 7, 2015 by acclamation.

6. Amending Charter And Code To Provide That, Instead Of The BOA, The Chief Special Master Shall Hear And Decide Appeals.

MOTION: Continued to October 7, 2015 by acclamation.

7. Proposed Ordinance Amendment To Modify The Minimum Front And Side Setback.

MOTION: JWJM (2-1)

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

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

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

9. Additional Height In The Alton Road Parking District For Projects That Provide Structured Parking.

MOTION: JWJM (2-1)

Recommend that the City Commission refer an Ordinance based upon the submitted proffer to the Planning Board.

10. Proposed Alton Road Alcoholic Beverage Establishment Overlay.

MOTION: Administration directed to prepare a draft Ordinance and bring back to LUDC on October 7, 2015 meeting by acclamation.

11. Discussion Regarding Alcoholic Beverages As A Conditional Issue In Commercial Districts.

MOTION: ET/JM (3-0)

No further action to be taken and no recommendation to move forward.

12. Vacation Of A Portion Of The Alley Between Alton Road And West Avenue.

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

13. Amendment/Sec. 146-306 – Dev. Regulations In CD-2 Commercial Medium Intensity District.

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

14. Washington Avenue Zoning Incentives Ordinance.

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

C6B Report Of September 9, 2015 Sustainability And Resiliency Committee Meeting: **1)** Mayor's Blue Ribbon On Flooding And Sea Level Rise Update. **2)** Sustainability Committee Update. **3)** Discussion Regarding AECOM's Progress On The Development Of The City's Comprehensive Resiliency Program. **4)** Referral Designating A Department Or Specific Employees To Develop And Oversee Sound And Comprehensive Policy Regarding Climate Change. **5)** Discussion Regarding The Incorporation Of Green Alleys. **6)** Discussion To Improve The Resiliency Of Government Buildings And Operations To Reduce And Mitigate The Impacts Of Greenhouse Gases.

ACTION:

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

MOTION: No further action taken.

2) Sustainability Committee Update.

MOTION: No further action taken.

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

MOTION: Item to be continued at the October 28, 2015 Sustainability and Resiliency Committee.

4) Designate Department/Employees To Develop & Oversee Policy Regarding Climate Change.

MOTION: Item to be continued at the October 28, 2015 Sustainability and Resiliency Committee.

5) Incorporation Of Green Alleys.

MOTION: Item to be continued at the October 28, 2015 Sustainability and Resiliency Committee.

6) Improve Resiliency Of Government Bldgs & Operations To Reduce & Mitigate Impacts Of Greenhouse Gases.

MOTION: Item to be continued at the October 28, 2015 Sustainability and Resiliency Committee.

C6C Report Of The October 5, 2015 Finance And Citywide Projects Committee Meeting: **1.** Discussion Regarding Land Use & Development Committee And The Planning Board For The Review Of All Planning Fees, Including Fees Associated With Plans Review, Board Applications And Other Ministerial Functions. **2.** Discussion Regarding A New Lease Agreement Between The City And Community Aids Resource, Inc. (D/B/A/Care Resource) (Tenant), For The Use Of Approximately 1,926 Square Feet Of City-Owned Property, Located At 1701 Meridian Avenue, Suite 400, Miami Beach, Florida (Premises), For A Term Of One (1) Year, With One (1) Renewal Option (Subject To The City's Approval) For One (1) Additional Year. **3.** Discussion Regarding The Betsy Air Rights Agreement. **4.** Discussion Regarding Biscayne Point Island Entrance Enhancement. **5.** Discussion On Establishment Of A Special Assessment District For Sunset Islands 3 And 4 For Conversion Of The Franchise Utilities From Above Ground To Underground. **6.** A Discussion Relating To 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.

ACTION:

1. LUDC & Planning Board For The Review Of All Planning Fees, Plans Review, Board Applications & Other Ministerial Functions.

ACTION:

The Committee recommended moving this item to Land Use and the Commission with the proposed amendments that states:

- Commercial Permit fees for Planning, Fire, and Public Works will be .70% of the job value of construction, with a minimum fee of \$70.00 for commercial permits per reviewing department.
- Residential Permit Fees for Planning, Fire and Public Works will be .50% of the job value of construction, with a minimum fee of \$50.00 per reviewing department.
- Various “stand-alone” and flat fees in “Appendix A” are also being updated based on CPI.

2. New Lease Agreement With Community Aids Resource, Inc.

ACTION:

The Committee moved this item to Commission with no recommendation.

3. Discussion Regarding The Betsy Air Rights Agreement.

ACTION:

The Committee recommended moving forward with the Grant of Easement for Air Rights across Ocean Court for \$240,000 and recommend the funds be used towards the “greening” of Ocean Court.

4. Discussion Regarding Biscayne Point Island Entrance Enhancement.

ACTION:

The Committee recommended moving forward with the request to add \$334,400 for the Biscayne Point Island Neighborhood Improvements in order to be able to proceed with the Biscayne Point Island entrance Enhancement project pending that staff verify where the funding was coming from before it goes to Commission.

5. Special Assessment District For Sunset Islands 3 & 4 For Conversion Of The Franchise Utilities From Above Ground To Underground.

ACTION:

The Committee recommended moving this item to the Commission to adopt the resolution to create the special assessment district, which will allow City Staff to begin securing financing for the project.

6. A Discussion Relating To A Ninety-Nine (99) Year Ground Lease Agreement Between The City And The Sabrina Cohen Foundation, Inc. (The Foundation).

ACTION:

The Committee recommended moving forward with the ground lease for the use of the City-owned land for the development of the Wellness Center as per the term sheet.

C7 - Resolutions

C7A A Resolution Approving And Authorizing The City Manager Or His Designee To Apply For, Accept, And Execute Any And All Documents Or Agreements In Connection With Grants And Funding Requests From The Following Sources, And Authorizing The Appropriation Of Such Funds (Including Matching Funds And Any Related City Expenses): 1) State Farm, Good Neighbor Citizenship Company Program, In The Approximate Amount Of \$100,000; 2) Florida Department Of Transportation, State Transportation Innovation Council Incentive Program; 3) Florida Department Of Transportation, Accelerated Innovation Deployment Demonstration Program; 4) Miami-Dade County Homeless Trust, In The Approximate Amount Of \$64,000, For The City's Homeless Outreach Program; 5) Miami-Dade County, FY 2015/16 Emergency Medical Services Grant, In The Approximate Amount Of \$20,000; And, 6) Florida Junior Golf Council, In The Approximate Amount Of \$4,000.

(Budget & Performance Improvement)

ACTION: Resolution 2015-29154 adopted. John Woodruff to appropriate the funds if approved and accepted. **Judy Hoanshelt to handle.**

C7B A Resolution Approving and Authorizing The City Manager To Execute An Agreement With Shift Construction and Development, Inc., Utilizing The Existing National Joint Powers Alliance (NJPA) Contract, For The Renovation Of The Existing Soccer Field At Flamingo Park (The Project), Including Drainage Grading, Artificial Turf, Electrical Conduits And Restoration Of Surrounding Sod And Landscape Areas; Said Project Having A Budgeted Cost Of \$686,080, Plus A Ten Percent Owner's Contingency, In The Amount Of \$68,608, For A Total Project Cost Of \$754,688, With Previously Appropriated Funding.

(Capital Improvement Projects)

ACTION: Resolution 2015-29155 adopted. David Martinez to handle.

C7C A Resolution Authorizing The Mayor, On Behalf Of The City, To Sign A Letter Of Intent To Join The Compact Of Mayors And Pledge To Reduce Greenhouse Gas Emissions, Track Progress Towards Greenhouse Gas Reduction Goals, And Enhance The City's Resiliency To Climate Change, In A Manner That Is Consistent With And Complementary To Climate Protection Efforts At The National Level.

(Sponsored by Mayor Philip Levine)

(Legislative Tracking: Environment & Sustainability)

ACTION: Resolution 2015-29156 adopted. Betsy Wheaton to handle.

C7D A Resolution Electing Commissioner Deede Weithorn, Group VI, As Vice-Mayor, For A Term Commencing On November 1, 2015 And Terminating On November 9, 2015, Or If A Runoff Election Is Held, Terminating On November 23, 2015.

(Office of the City Clerk)

ACTION: Resolution 2015-29157 adopted. Office of the City Clerk to handle.

SUPPLEMENTAL MATERIAL 4: Revised 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)

ACTION: Resolution 2015-29158 adopted. Eric Carpenter to handle.

C7F A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 2 To The Agreement, Dated October 10, 2014, Between The City Of Miami Beach And Tyler Technologies, Inc., For Replacing The City's Enterprise Resource Planning (ERP) System, To Amend The Provisions Regarding Mobile Software Licenses, Project Management Services, And The Allowable Hours For Custom Reports.

(Information Technology)

ACTION: Resolution 2015-29159 adopted. Ariel Sosa to handle.

C7G A Resolution Authorizing The City Manager And City Clerk To Execute An Agreement With Barry University, Acceptable To The City Manager And City Attorney, Providing For The Enrollment Of City Of Miami Beach Employees In Classes In Barry University's School Of Professional And Career Education To Be Held In A City Of Miami Beach Facility And To Be Offered At A 20% Discounted Tuition Rate; And, Should Classes Expand To City Venues Other Than Police Station Facilities And Are Not Filled To Capacity By City Of Miami Beach Employees, Then City Of Miami Beach Residents May Enroll In Such Classes At A 20% Discounted Tuition Rate; And, Further Providing That If The Classes Offered At Venues Other Than Police Station Facilities Are Not Filled To Capacity By City Of Miami Beach Employees And City Of Miami Beach Residents, Then Employees Of Other Municipalities May Enroll In The Classes At The Standard Tuition Rate.

(Organization Development Performance Initiatives)

ACTION: Resolution 2015-29160 adopted. Dr. Leslie Rosenfeld to handle.

- C7H A Resolution Authorizing The City Manager To Execute, In A Form To Be Approved By The City Attorney, An Amendment To The Agreement, Dated August 15, 2014, Between The City And Florida International University, In An Amount Not To Exceed \$78,543.22, To Complete The Miami Beach Archival Digitalization Project.

(Office of the City Clerk)

ACTION: Resolution 2015-29161 adopted. Office of the City Clerk to handle.

9:15:06 a.m.

- C7I A Resolution Accepting The Recommendation Of The Finance And Citywide Projects Committee To Enter Into A Contract, In An Amount Not To Exceed \$50,000, With A Firm With Experience In The Planning, Building And Operation Of Public Competitive Pools To Prepare An In-Depth Feasibility And Cost Study.

(Parks & Recreation)

ACTION: Resolution 2015-29162 adopted. Item separated by Commissioner Malakoff. Motion made by Commissioner Malakoff, seconded by Commissioner Grieco. Voice vote: 5-0. Absent: Vice-Mayor Tobin and Commissioner Wolfson. **John Rebar to handle.**

Commissioner Malakoff stated that this item was brought up by the Parks and Recreation Committee, and the Miami Beach High School Swimming Coach, because there is no competitive sized swimming pools in Miami Beach. They are currently looking for a location for such a swimming pool.

- C7J A Resolution Authorizing The City Manager And City Clerk To Execute A Voluntary Cooperation And Operational Assistance Mutual Aid Agreement With The City Of Miami Gardens, Florida, For The Purpose Of Coordinating Law Enforcement Planning, Operations, And Mutual Aid Benefit Between The City Of Miami Beach, Florida And The City Of Miami Gardens, Florida.

(Police)

ACTION: Resolution 2015-29163 adopted. Police Chief Daniel Oates to handle.

- C7K A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of The Sole Proposal Received, Pursuant To Request For Proposal No. 2015-177-JR (The RFP), For Electric Vehicle Charging Stations For The City's Parking Facilities, Parking Garages And Surface Lots; And Further Authorizing The Mayor And City Clerk To Execute An Agreement Upon Conclusion Of Successful Negotiations By The Administration.

(Procurement/Environment & Sustainability/Parking)

ACTION: Resolution 2015-29164 adopted. Alex Denis, Elizabeth Wheaton and Saul Frances to handle.

- C7L A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Proposals Received, Pursuant To Request For Proposals No. 2015-163-LR (The RFP), For Website Design, Development And Implementation; Authorizing The Administration To Enter Into Negotiations With The Two Firms Tied As Top-Ranked Proposers, Ameex Technologies Corp And Just Program LLC D/B/A Solodev; And Further Authorizing The Mayor And City Clerk To Execute An Agreement Upon Conclusion Of Successful Negotiations By The Administration.
(Procurement/Information Technology)

ACTION: Resolution 2015-29165 adopted. Alex Denis and Ariel Sosa to handle.

Handouts or Reference Materials:

1. E-Mail from Lilia Cardillo dated October 14, 2015 RE: update title in AA.

9:16:03 a.m.

- C7M A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 1 (Amendment) To The Contract Executed Pursuant To Request For Proposals (RFP) 39-05/06, Between The City And Tim Wilcox, Inc., Which Performs Beachfront Concession Services For 21st And 46th Streets, With The Current Term Ending On October 31, 2015; Said Amendment Extending Said Contract, On A Month-To-Month Basis, Until Such Time As The RFP Process For The Management And Operation Of Concession Stands And Beachfront Concessions, Located East Of Collins Avenue Near Both 21st And 46th Streets, May Be Completed And A New Contract Executed, And Providing The City With The Right To Terminate The Contract For Convenience And Without Cause; And Further Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Firms, Pursuant To Request For Proposal (RFP) No. 2015-205-WG For The Management And Operation Of Concession Stands And Beachfront Concessions, Located East Of Collins Avenue, Near Both 21st Street And 46th Street, Authorizing The Administration To Enter Into Negotiations With Boucher Brothers Miami Beach 21 & 46 Street, LLC., As The Highest Ranked Proposer; And Further Authorizing The Mayor And City Clerk To Execute An Agreement With Boucher Brothers Miami Beach 21 & 46 Street, LLC., Upon Conclusion Of Successful Negotiations By The Administration.
(Procurement/Tourism, Culture & Economic Development)

ACTION: Resolution 2015-29166 adopted. Item separated by Commissioner Weithorn. Motion made by Commissioner Grieco to adopt the resolution; seconded by Commissioner Malakoff. Voice vote: 4-1; Opposed: Commissioner Weithorn. Absent: Vice-Mayor Tobin and Commissioner Wolfson. **Alex Denis and Max Sklar.**

Andrew M. Tobin, Esq., introduced himself and provided copies of the protest he made on behalf of his client. He made reference to a 1931 Supreme Court case and read portions of the language regarding why public procurement is so important. The protest he filed was very technical, arguing that in order for the evaluation committee and the City Commission to make an informed decision, the methodology his client used to come up with the minimum guaranteed bid and the guaranteed percentage, the prices his client would charge in his bid, is what his client believes was part of the detailed requirements of the RFP in order to have an exact comparison of bids. He believes the bid specifications were vague and ambiguous, and asked the City Commission to reject all the bids, because it did not specify that prices should be included or that prices would be excluded and negotiated separately. He conceded the other competitor is equally a good businessman, but they don't have the investment in this project that his client previously provided.

Jimmy L. Morales, City Manager, stated that the RFP did not require the pricing Mr. Tobin speaks

of, and that the only pricing required by the RFP was a revenue proposal. Mr. Morales noted that the company the Administration is recommending was not only ranked number one by the Evaluation Committee, but also provided 50% higher revenue to the City. Mr. Morales explained that there was at one point a question from one of the bidders about whether vendors would be allowed to sell items on the beach, and an addendum was released stating that vending would be allowed subject to a negotiated price list, and this clarification made it clear that bidders didn't have to turn in a price list up front. As such, Mr. Morales concluded he did not believe Mr. Tobin's bid protest had merit because the pricing that was the subject of the bid protest was not a requirement of the RFP and the process was otherwise transparent and in accordance with the RFP, as drafted.

Raul J. Aguila, City Attorney, agreed with City Manager Morales, and explained that the issue of responsiveness is the responsibility of the City Attorney and the City Manager under the City's bid protest ordinance, and that the City Manager and City Attorney concluded that the recommended proposal of Boucher Brothers was responsive. Mr. Aguila explained that although the Commission does not have jurisdiction to review responsiveness, if the City Commission wants to reject all bids, it is within the City Commission's discretion to do so.

Commissioner Grieco stated that as far as he understands, the RFP's for this solicitation have historically been the same, and in fact, this contractor had previously won an award with the City a few years ago that was based on the same RFP language, and he considered it a bit disingenuous that a bidder is now protesting after losing a bid based upon the same language. He is fine with moving forward with the item.

Commissioner Weithorn stated that she has a problem with the process, not with the operator.

Handouts or Reference Materials:

1. Email from Andrew M. Tobin, Esq., tobinlaw@terranova.net dated October 13, 2015, RE: Item C7M with attached document 2015-10-12 Protest.pdf.
2. Letter from Jimmy L. Morales, City Manager, dated October 12, 2015 RE: Protest Filed Pursuant To Award Recommendation On RFP 2015-205-WG, For The Management And Operation Of Concession Stands And Beachfront Concessions, Located East Of Collins Avenue Near Both 21st Street And 46th Street (the "RFP").
3. Procurement Department RFP 2015-205-WG In Re: Protest by M & M Beach Concessions, Inc. Protest and Request to Disqualify Nonresponsive Bidder.
4. Letter from Andrew M. Tobin, PA, dated October 19, 2015 to Hon. Jimmy L. Morales, RE: Protest by M & M Concessions, Inc., on RFP 2015-205-WG.

C7N A Resolution Approving And Authorizing The City To Accept Donations And Sponsorships From Car2Go, Peterson's Harley-Davidson, And Sysco, In The Total Amount Of \$3,500, Which Donations And Sponsorships Were Made To The City For The City's Annual Veterans Day Parade.

(Tourism, Culture & Economic Development)

ACTION: Resolution 2015-29167 adopted. Max Sklar to handle.

C7O A Resolution Approving And Authorizing The Appropriation Of \$651,000 From FY 2015/16 General Fund Account No. 011.0930; Said Appropriation To Be Provided To And Utilized By The Friends Of The Bass Museum, Inc. For The Purpose Of Continuing To Fund And Provide Certain Operating Expenses; And Authorizing The City Manager To Execute A Letter Agreement With

The Friends Of The Bass Museum, Inc., Memorializing The Parties' Respective Obligations With Regard To Certain Management And Operation Responsibilities Of The Bass Museum, Through September 30, 2016.

(Tourism, Culture & Economic Development)

ACTION: Resolution 2015-29168 adopted. Max Sklar to handle.

- C7P A Resolution Approving And Authorizing The City Of Miami Beach To Accept A Donation From Rails To Trails Conservancy Corporation, Of An Automated Bicycle And Pedestrian Counter Valued At Approximately \$6,800, To Monitor The Volume Of Bicyclists And Pedestrians Traveling Along The City's Beachwalk, Between 21st Street And 22nd Street; And Approving And Authorizing The City Manager To Execute An Agreement With The Rails To Trails Conservancy Corporation To Install The Automated Bicycle And Pedestrian Counter At No Cost To The City.
(Transportation)

ACTION: Resolution 2015-29169 adopted. Jose Gonzalez to handle.

- C7Q A Resolution Authorizing The City Manager And The City Clerk To Execute An Interlocal Cooperation Agreement Between The City Of Miami Beach And Miami-Dade County For The Collection Of Emergency 911 System Service Fees.
(Emergency Management)

ACTION: Resolution 2015-29170 adopted. Charles Tear to handle.

End of Consent Agenda

REGULAR AGENDA

R5 - Ordinances

10:00:00 a.m.

- R5A An Ordinance Amending Miami Beach City Code Chapter 82, Entitled "Public Property," By Amending Article IV Thereof Entitled "Uses In Public Right-Of-Way," By Amending Section 82-383, Entitled "Permit Fee; Penalties For Late Payments; Review Of Fee; Exception," By Amending Subsection (a) Thereof To Abate Sidewalk Café Fees For Businesses North Of 63rd Street, Through And Including September 30, 2017; Providing For Repealer, Codification, Severability, And An Effective Date. **10:00 a.m. Second Reading Public Hearing**
(Sponsored by Vice-Mayor Edward L. Tobin)
(Legislative Tracking: Public Works)
(First Reading on September 2, 2015 - R5K)

ACTION: Title of the ordinance read into the record. Public Hearing held. **Ordinance 2015-3968 adopted.** Motion made by Commissioner Malakoff; seconded by Commissioner Grieco; Ballot-vote: 5-0; Absent: Vice-Mayor Tobin and Commissioner Wolfson. **Eric Carpenter to handle.**

Jay Fink, Public Works Assistant Director, introduced the item. He explained that the amendment will remove the \$20 per square foot fee for sidewalk cafés north of 63rd Street. This is the fee the City is charging on all State roads, which include Collins Avenue, and will create some level of equity, and will continue the action the City Commission took in October 2014.

Commissioner Malakoff asked for how long this action would take place.

Mr. Fink replied that it would be for a two-year period.

Handouts or Reference Materials:

1. Ad 1080 published in the Neighbors Section of The Miami Herald

10:15:17 a.m.

R5B Amend Penalties For Franchise And Permit Fees Not Paid To The City By Private Waste And Specialty Contractors

An Ordinance Amending Chapter 90 Of The Code Of The City Of Miami Beach, Entitled "Solid Waste," By Amending Article IV, Entitled "Private Waste Contractors," By Amending Division 3, Entitled "Franchise," By Amending Section 90-225, Entitled "Failure To Pay Franchise Fee," To Amend The Penalties For Failure To Pay Franchise Fees; And By Amending Division 4, Entitled "Specialty Contractors," By Amending Section 90-278, Entitled "Fees And Requirements," To Amend The Penalties For The Failure To Pay Permit Fees; Providing For Repealer; Severability; Codification; And An Effective Date. **10:05 a.m. Second Reading Public Hearing**

(Sponsored by Commissioner Deede Weithorn)

(Legislative Tracking: Budget & Performance Improvement)

(First Reading on September 2, 2015 - R5L)

ACTION: Title of the ordinance read into the record. Public Hearing held. **Ordinance 2015-3969 adopted.** Motion made by Commissioner Weithorn; seconded by Commissioner Steinberg; Ballot-vote: 5-0; Absent: Vice-Mayor Tobin and Commissioner Wolfson. **Jim Sutter to handle.**

Commissioner Weithorn summarized the item stating that with internal audits there were no incentives to pay franchise fees timely, because the penalties were very light, and this ordinance corrects that.

Handouts or Reference Materials:

1. Ad 1080 published in the Neighbors Section of The Miami Herald

10:16:52 a.m.

R5C An Ordinance Amending Part I, Subpart B, Article IX, Related Special Acts, Of The Miami Beach City Code Entitled "Pension System For Disability And Retirement Of Members Of Police And Fire Departments"; Amending The Pension System To Comply With Applicable Provisions Of The Internal Revenue Code And Regulations Thereunder; Amending Section 62, Entitled "Definitions"; Amending Section 63, Entitled "Source Of Monies For Fund; Computation Of Liability; Use And Investment Of Fund"; Amending Section 66, Entitled "Service And Disability Benefits Generally"; Amending Section 70, Entitled "Return Of Contribution"; Amending Section 79, Entitled "Deferred Retirement Option Plan"; Amending Section 82, Entitled "Military Service"; Amending Section 83, Entitled "Limitations On Benefits"; Amending Section 84, Entitled "Distribution Limitation"; Amending Section 85, Entitled "Distribution To Retirement Plan"; Providing For Severability; Repealing All Ordinances In Conflict Therewith; And Providing An Effective Date. **10:10 a.m.**

Second Reading Public Hearing

(Sponsored by Commissioner Deede Weithorn)

(Legislative Tracking: Human Resources)

(First Reading on September 2, 2015 - R5M)

ACTION: Title of the ordinance read into the record. Public Hearing held. **Ordinance 2015-3970 adopted.** Motion made by Commissioner Weithorn; seconded by Commissioner Malakoff; Ballot-vote: 5-0; Absent: Vice-Mayor Tobin and Commissioner Wolfson. **Sylvia Crespo-Tabak to handle.**

Sylvia Crespo-Tabak, Human Resources Director, stated that this is a clean-up item. The only difference between this and the first reading is that they have added that this is a no-cost ordinance to the City.

Handouts or Reference Materials:

1. Ad 1080 published in the Neighbors Section of The Miami Herald

10:15:00 a.m.

R5D An Ordinance Amending Chapter 46 Of The Code Of The City Of Miami Beach, Entitled "Environment," By Amending Article III, Entitled "Litter," By Amending Division 1, Entitled "Generally," By Amending Section 46-92 To Amend The Enforcement And Penalty Provisions For Violations Of Subsections (b), (c), (d), And (e), By Increasing Penalties For Violations Of Subsections (b), (c), (d), And (e), And Imposing Criminal Penalties For Violations Of Subsection (b) On Beaches, Parks, Marinas, Piers, Docks, And Boat Ramps; To Amend Provisions In Subsections (l) And (m) Regarding Appeals From Violations; And To Amend The Provisions In Subsection (m) Regarding Liens For Unpaid Fines; And Providing For Repealer, Severability, Codification, And An Effective Date. **10:15 a.m. Second Reading Public Hearing**

(Sponsored by Commissioner Grieco)

(Legislative Tracking: Environment & Sustainability)

(First Reading on September 2, 2015 - R5N)

ACTION: Title of the ordinance read into the record. Public Hearing held. Item opened and continued to **December 9, 2015** per Commissioner Grieco's request. Moved by acclamation. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda if received. **Elizabeth Wheaton to handle.**

Commissioner Weithorn wanted to put on the record her opposition on the item. If this item is passed, it is important to remove the "criminal" part out of the item.

City Clerk's Note – Corrections:

It should be noted that the options mentioned in the summary on page 449 have been revised to alternatives and listed as follows: the original ordinance (previously Option A), Alternative A (previously Option B), and Alternative B (previously Option C).

Handouts or Reference Materials:

1. Ad 1080 published in the Neighbors Section of The Miami Herald

10:20:15 a.m.

SUPPLEMENTAL MATERIAL 2: Ordinance

R5E An Ordinance Amending Chapter 106 Of The Miami Beach City Code, Entitled "Traffic And Vehicles," By Amending Article II, Entitled "Metered Parking," By Amending Division 1, Entitled "Generally," By Amending Section 106-47, Entitled "Freight, Commercial, And Passenger Curb Loading Zones; Hours, Deliveries"; By Deleting Subsection (c), (d) And (e); By Amending Subsection (b) To Require Property Owners And Businesses To Confirm Compliance With Subsection (g) For Commercial Motor Vehicles Deliveries And Services; By Prohibiting Deliveries Or Services For Commercial Motor Vehicles That Fail To Comply With Subsections (f) Through (n); By Creating A New Subsection (d) And (e), Which Limits The Authority Of The Special Master; By Amending The Enforcement And Penalty Provisions For Violations Of Subsection (b); Providing For Codification, Repealer, Severability, And An Effective Date. **10:20 a.m. Second Reading Public Hearing**

(Sponsored by Commissioner Michael Grieco)
(Legislative Tracking: Office of the City Attorney)
(First Reading on September 2, 2015 - R5O)

ACTION: Title of the ordinance read into the record. Public Hearing held. Item opened and continued to **December 9, 2015** per Commissioner Grieco's request. Moved by acclamation. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda if received. **Saul Frances to handle.**

Commissioner Weithorn stated that she believes this item is anti-small-business.

Handouts or Reference Materials:

1. Ad 1080 published in the Neighbors Section of The Miami Herald

10:23:17 a.m.

SUPPLEMENTAL MATERIAL 4: Memorandum & Ordinance

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)

ACTION: Title of the ordinance read into the record. Public Hearing held. **Ordinance 2015-3971 adopted.** Motion made by Commissioner Grieco; seconded by Commissioner Weithorn; Ballot vote: 5-0. Absent: Vice-Mayor Tobin and Commissioner Wolfson. **Office of the City Attorney to handle.**

Aleksandr Boksner, First Assistant City Attorney, stated that the Planning Board approved the item with recommendations for the City Commission to consider, and these will be reviewed further.

Commissioner Grieco stated that this is a security and management issue and is a good piece of legislation. He believes this should be passed as-is.

Alex Suarez, from the Alexander Hotel, expressed his support for this ordinance.

Handouts or Reference Materials:

1. Ad 1080 published in the Neighbors Section of The Miami Herald

10:41:59 a.m.

R5G An Ordinance Amending Chapter 90 Of The Code Of The City Of Miami Beach, Entitled "Solid Waste," By Amending Article II, Entitled "Administration," By Amending Section 90-39 Thereof, Entitled "Fine Schedule For Violations Issued And Applied To Owners, Agents, Tenants, Occupants, Operators Or Managers, Or Persons Responsible For The Violation," To Amend The Fine Schedules Therein; And Providing For Repealer, Severability, Codification, And An Effective Date. **10:35 a.m. Second Reading Public Hearing**

(Sponsored by Deede Weithorn)
(Legislative Tracking: Code Enforcement)
(First Reading on September 2, 2015 - R5Q)

ACTION: Title of the ordinance read into the record. Public Hearing held. **Ordinance 2015-3972 adopted.** Motion made by Commissioner Weithorn; seconded by Commissioner Grieco; Ballot vote: 5-0. Absent: Vice-Mayor Tobin and Commissioner Wolfson. **Hernan Cardeno to handle.**

Robert Santos-Alborna, Code Compliance Assistant Director, introduced the item. He thanked Debora Turner, First Assistant City Attorney, who has been assisting staff throughout this process. He stated that they have significantly increased the levels of fines as a deterrent to business operators who are not complying with City Code.

Commissioner Weithorn thanked staff for doubling the fines at the City Commission's request, but she still believes the fines are lower than they should be. She added that it is important to make sure every citation receives a separate fine.

Discussion continued.

Mayor Levine suggested higher fines for repeat offenders. He stated that he wants to bring to the City Commission in December significant punitive fines for short term rentals, placing the onus on the property owner and not Code Compliance, to prove they are not operating a short term rental. **Hernan Cardeno to handle.**

Commissioner Weithorn agreed with Mayor Levine's statements, but added that there needs to be a detailed discussion with Code Compliance and residents, because the list of ways people have been getting around the fines have been amazingly creative.

Mr. Santos-Alborna added that Code Compliance has become more aggressive, especially with repeat offenders.

Handouts or Reference Materials:

1. Ad 1082 published in the Neighbors Section of The Miami Herald

10:46:25 a.m.

R5H 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. **10:40 a.m. Second Reading Public Hearing**

(Sponsored by Commissioner Joy Malakoff)

(Legislative Tracking: Fire)

(First Reading on September 30, 2015 - R5E)

ACTION: Title of the ordinance read into the record. Public Hearing held. **Ordinance 2015-3973 adopted.** Motion made by Commissioner Malakoff; seconded by Commissioner Weithorn; Ballot vote: 5-0. Absent: Vice-Mayor Tobin and Commissioner Wolfson. **Fire Chief Virgilio Fernandez to handle.**

Eve Boutsis, Deputy City Attorney, stated that this is a scrivener's error that needs correcting.

Handouts or Reference Materials:

1. Ad 1082 published in the Neighbors Section of The Miami Herald

5:05:58 p.m.

R5I Washington Avenue Zoning Incentives
An Ordinance Amending The Land Development Regulations (LDRs) Of The City Code, By Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 5, "CD-2 Commercial, Medium Intensity District," To Establish Section 13-309, "Washington Avenue Development Regulations And Area Requirements," To Modify The Development Regulations For Properties Fronting Washington Avenue Between 6th Street And Lincoln Road; By Amending Chapter 130, "Off-Street Parking," Article II, "Districts; Requirements," To Establish Parking District 7 To Modify The Parking Requirements For The Properties Fronting Washington Avenue Between 6th Street And Lincoln; Providing For Codification; Repealer; Severability; And An Effective Date. **5:01 p.m. Second Reading Public Hearing**

(Sponsored by Commissioner Joy Malakoff)

(Legislative Tracking: Planning)

(First Reading Public Hearing on September 2, 2015 - R5E)

ACTION: Title of the ordinance read into the record. Public Hearing held. **Ordinance 2015-3974 adopted as amended.** Motion made by Commissioner Wolfson, seconded by Commissioner Grieco to approve the proposed Ordinance as amended. Ballot vote: 5-1. Opposed: Mayor Levine. Absent: Vice-Mayor Tobin. **Thomas Mooney to handle.**

Amendment:

- Include 200 foot lot building space separation
- Include 100 foot lots that would have properties eligible for the 75 foot height limit, that are at, or greater than 100 feet, but less than 200 feet
- The sum of the side lots shall not be less than 45% of the lot

Thomas Mooney, Planning Department Director, introduced the item. This item was approved at first reading on September 2, 2015 with one minor change that was added into the draft Ordinance for second reading. The item was also referred to the Land Use and Development Committee (LUDC) for additional discussion regarding two separate proposed amendments, but they did not issue a formal recommendation. The Administration recommends approval of the

Ordinance as-is. If there were amendments, they would recommend having the 100 foot lots to be referred as a separate item. The proposed amendment's language regarding 200 foot building separation does not have any substantive impact, and they have no problem with it.

Discussion held.

Commissioner Malakoff stated that she would like to go forward with the 200 foot frontages articulated as the planner has shown.

Commissioner Grieco asked the City Commission to follow Roberts Rules when it comes to formal items such as this one, and requested an initial motion and second, followed by discussion.

Commissioner Malakoff moved the item and Commissioner Steinberg seconded the motion to open up the debate.

Saul Gross, Chair of the Washington Avenue Blue Ribbon Panel, thanked the City Commission, and expressed his committee's support for the item.

Graham Penn, Esq., representing the Galbut family and Esther Percal, who owns 947 and 955 Washington Avenue, addressed the City Commission regarding the amendment proposed on first reading, which extends the height bonus to lots that have 100 feet of frontage. Since the first reading of this item, he has been working with Commissioner Malakoff and City staff on a revision that would target additional height in areas where the Zyscovich plan recognized the need, which would be specifically around the Wolfsonian Museum. He proposed language that would allow an additional 20 feet of development height at a major cultural institution that has over 25,000 square feet of area, and land within 250 feet of that cultural institution on the east side of Washington Avenue with the caution that any residential development on that property would be subjected to significantly higher side yard setback requirements far exceeding anything that is actually required on any other property in the City.

Commissioner Wolfson asked for the recommended language to be distributed on the dais and moved the item; seconded by Commissioner Grieco. No voice vote taken.

Commissioner Malakoff clarified that a motion was on the floor; seconded by Commissioner Steinberg, and added that she will be meeting with members of the Wolfsonian tomorrow, and there may be changes in what their plans will be regarding their height. She also stated that Mr. Mooney has questions regarding the actual drawing, planning, and construction of such a building; for these reasons she requested more time to study this item.

Mayor Levine agreed with Commissioner Malakoff, and stated that he will vote for the original item, but will not vote in favor of the amendments. He does not believe this item should be voted on so quickly.

Discussion held.

Commissioner Grieco stated that the issue of 100 foot frontage has some validity in it, but believes that it should only require one or two weeks of consideration; if this item is referred to LUDC, it will be delayed until 2016 after it makes it through two readings. He would prefer voting on this item this month.

Mayor Levine restated that he will vote for the item as-is, but is not prepared to vote for it at this moment with amendments.

Discussion held regarding votes needed to amend the item.

Eve Boutsis, Deputy City Attorney, stated that because it is one Ordinance, she asked the City Commission to refer the entire item to the October 12, 2015 Presentations & Awards meeting.

Mr. Gross stated that this item has been discussed for a year and three months, and would like it voted on this month. He believes everyone on the dais supports The Wolfsonian, and would act in its best interest, and it is his understanding that they have used all of their FAR, and if they wanted to increase their FAR, they would need to go to a referendum. He stated that if there are not enough votes on the City Commission to pass the item as-is, they should adopt the amendments, even though he does not fully support them.

Discussion held.

Mr. Mooney clarified that the motion would be to approve the item with the amendments that were proposed, including the amendment regarding the 200 foot lot building space. The other amendment that was proposed by Mr. Penn regarding the 100 foot lots that would have properties eligible for the 75 foot height limit that are at or greater than 100 feet but less than 200 feet, the sum of the side lots shall not be less than 45% of the lot.

Handouts or Reference Materials:

1. Ad 1082 published in the Neighbors Section of The Miami Herald
2. Ad 1081 published in the Neighbors Section of The Miami Herald
3. Handouts by Graham Penn, Esq. including Ordinance with proposed language
4. Washington Avenue Zoning Initiatives and Design Guidelines Proposed Revisions 9.22.2015.

2:14:19 p.m.

R5J 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)
(Item Tabled on September 30, 2015 - R5D2)

ACTION: Title of the Ordinance read into the record. See motions below. **Ordinance adopted on first reading as amended.** Second Reading Public Hearing scheduled for **December 9, 2015.** Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda if received. **Office of the City Attorney to handle.**

Motion No. 1:

Motion made by Commissioner Grieco to accept his amendment to the legislation adding the description of a candidate as stated under State Statute; seconded by Commissioner Wolfson.

Ballot-vote: 6-0. Absent: Vice-Mayor Tobin.

Motion No. 2:

Motion by Commissioner Wolfson to adopt the ordinance on first reading as amended including the description of a candidate as stated under State Statute; seconded by Mayor Levine. Ballot-vote: 6-0; Absent: Vice-Mayor Tobin. Second reading, public hearing scheduled for **December 9, 2015**.

Amendments:

- Include description of Candidate as stated under State Statute
- Hold public workshop
- Office of the City Attorney to consult with constitutional attorney to review proposed legislation
- Commissioner Steinberg to sponsor item

Commissioner Wolfson stated that this item is about making Miami Beach's ethics Ordinance stronger, campaign finance laws stronger and improving Ethics in the City, by increasing trust in local government. He recalled the heated debates over a PAC he chaired, which they well-funded; they raised funds with stakeholders, which is legal practice throughout the Country and Miami-Dade County. It is legal to accept money from these entities, it is legal to give directly to candidates in other parts of the County. The goal for the City would be to make it improper for a local elected official to solicit vendors for contributions to a PAC. The perception is that something wrong is happening, even though it is not, such as in this instance; so upon reflection, he felt that the City could hold itself to a higher standards of Ethics. There are Ordinances in place prohibiting direct contribution from different categories, and suggested expanding the Ordinance to include solicitations to these people for PACs, to address the public's concern.

Commissioner Wolfson moved the item; seconded by Mayor Levine.

Commissioner Wolfson added that the Miami-Dade Commission on Ethics supported unanimously the anti-solicitation ordinance and they reviewed the disclosure Ordinance as well.

Mayor Levine introduced Mr. Centorino from the Miami-Dade Commission on Ethics.

Joseph Centorino, Executive Director of the Miami-Dade Commission on Ethics, thanked the City Commission for having included the agency in this process. The agency has jurisdiction over County Ethics and Campaign Finances Ordinances, as well as municipal Ordinances. He has discussed with the City Commission the issue over the last couple of months and has been aware of the contentious debates. In his opinion, the City ended up with is a very good reflection of how the democratic process ought to work. From his perspective, he has always admired the Miami Beach Ordinance which deals with acceptance of contributions from developers, lobbyists and so forth, because that is one of the most sensitive part of the campaign finance area. While it is legal in most places in this country and in the County, it is something that always creates an appearance issue or problem. When asked for his opinion, he is careful to caution elected officials about the way they approach fundraising when dealing with people who do business with the municipality or agency, because there is an inherent concern about the possibility or the appearance of corruption, which undermines the credibility and trust in local government. The agency reviewed the Ordinances with the Legal Department, Mayor Levine and Commissioners Weithorn and Wolfson, a presentation was made to attorney Kendall Coffey, and there was an informed and comprehensive discussion about the issue. At the end of the review, the Ethics Commission voted to endorse the Ordinance as proposed by Commissioner Wolfson unanimously 5/0. The City Commission can take the action it deems appropriate, but from their viewpoint, what happened is because of the debate, the public debate and input, Miami Beach is in a position to

improve on its leadership in the campaign finance area to refine, improve and close a loophole in the original Ordinance, for the benefit of City government and the people. He congratulated everyone on the dais for their contributions to this result.

Raul Aguila, City Attorney, explained that there were two Ordinances, one that addresses the issue of members of the City Commission and candidates for City Office, directly or indirectly soliciting campaign contributions from the prohibited categories established in the City Code, which are vendors, real estate developers, and lobbyists for real estate developers. When referring to indirect solicitations, they are talking about solicitations to political committees, (PACs) that support or oppose candidates for City elected office. They have Commissioner Wolfson's ordinance, which prohibits these types of solicitations; they also have Commissioner Weithorn's proposed ordinance (R50), which would require elected officials and candidates to disclose when they solicit vendors, lobbyists, and real estate developers for contributions for PACs that support candidates for City elected offices. He added that this is really an appearance issue. In Miami-Dade County, aside from Miami Beach, there is no other City in the County other than Aventura that has placed restrictions on the solicitation of campaign contributions. The City of Miami Beach in the year 2000 prohibited candidates from accepting campaign contributions from vendors, real estate developers and lobbyists. The idea that there was wrongdoing under the current finance reform ordinances, he clarified that there was no prohibition on soliciting contributions from these prohibited donors. As a result of the issues discussed this summer, the newspaper articles read, complaints received from citizens, and made, at this City Commission Meeting, Commissioner Weithorn and Commissioner Wolfson brought up these ordinances, one that addresses disclosure, the other one prohibition. He was directed to work with Outside Counsel Jean Olin, who drafted the original campaign finance ordinances for the City in 2000 and considering the Ordinances, it is hard not to discuss prohibition without disclosure. He suggested that Ms. Olin speak to the City Commission.

Mayor Levine stated that there is a motion and a second made; he requested a Roll Call vote.

Jean Olin, Esq., explained that Miami Beach, as any municipality in the State, has the ability to have stricter ethics laws than the County or State, but this does not necessarily mean that the ethics laws are legally advisable. That is where the City Attorney has given his opinion as to the legal concerns for Commissioner Wolfson's ordinance. She agreed with Mr. Aguila, but added that when considering a policy decision in reviewing this Ordinance, it important to know that one of the legal standards in determining whether this Ordinance is legally defensible is if it is narrowly tailored and affects the least impact upon first amendment rights. The issues that happened this summer affected the manner of solicitation, the way the solicitation occurred and the manner of solicitation; she clarified that personal phone calls made by the Mayor and Commissioner Wolfson were legal, but it was the outcry and the cause of focus this summer. There are alternative ways to accomplish the concern that was expressed this summer without having legislation that prohibits solicitation. This City Commission may solicit, for non-profit, unless they are not compensated or any members are not compensated. In terms of and addressing the concern expressed by the public, the City, In lieu of adopting this Ordinance, which prohibits not only direct contributions, but indirect contribution as well, one of the alternatives is to prohibit solicitations, consider disclosure and have legislation, which the Legal Department can research and draft, which would state that when an elected official has engaged in solicitation for campaign contributions, which you are legally permitted to do absent this Ordinance passing, that elected officials and candidates shall be prohibited from targeting the class of prohibited donors that is an issue here; namely the vendors, lobbyists, real estate developers, and lobbyists.

Discussion held.

Commissioner Wolfson asked if the proposed ordinance is legally defensible.

Ms. Olin replied that there are grounds that they could use to support it, but there are also serious considerations in not supporting it; her concern is this, as the client, they do not want to make a record for any body or entity that is thinking of suing the City. From a constitutional standpoint, since they are addressing political free speech, one of the standards that the United States Supreme Court has repeatedly recognized is that the legislation must be narrowly tailored.

Discussion continued.

Mr. Aguila added that he does not want to minimize what Ms. Olin is saying. They are adopting cutting edge legislation for which there is no local law, or no local or precedent for it, this is barren territory. If they were challenged, and if they were to defend the ordinance, they would have to show that the ordinance is narrowly tailored to address a compelling governmental interest, and the only compelling governmental interest that the Supreme Court has recognized is to prevent or restrict the appearance or factual quid-pro-quo corruption. This might be the most difficult thing to do in advising clients, these are first amendment rights; the way the Ordinance was drafted is the way that is most defensible; but does not negate the existing concerns.

Discussion continued.

Mayor Levine asked if they could pass this ordinance on first reading and engage a constitutional lawyer to review carefully and come back between first and second reading on October 28, 2015 with recommendations.

Mr. Aguila stated that he will engage a constitutional lawyer to review both ordinances, the prohibition and disclosure ordinance.

Commissioner Grieco moved to amend the ordinance to include language regarding the definition of a candidate (106.011 sub 3 a-e); according to State Statute which reads: "a person who receives contributions or makes expenditures, or consent for another person to receive contributions or to make expenditures with a view to bring about his or her nomination, or election, or retention in public office." He expressed his serious concerns regarding indirect soliciting. He believes it is easily policed and easily proven, but these are the actions that lead to the situation they are presently in. He has some constitutional concerns as an attorney, because not allowing indirect contributions can potentially lead to a "witch hunt." He gave the example of candidates being accused of indirectly funding campaigns, which would be covered by the press and social media before proper investigations could ever take place. He added that he believes this item is being rushed, and reminded the City Commission that this legislation needs to be narrowly tailored in order to work.

Motion made by Commissioner Grieco to amend the ordinance to include the State Statutory language of the description of the candidate; and remove the word "indirectly;" because, as he mentioned previously, it can damage a candidate's opportunity due to the allegations that can be made. Only elected officials were making phone calls on behalf of the PAC, they should not expand beyond that.

Mr. Aguila, explained the voting process on the dais when more than one motion has been made; he suggested the City Commission should vote on Commissioner Wolfson's motion first.

Commissioner Wolfson stated that he is not in agreement with removing the word "indirectly," and asked for advice.

Discussion held regarding Robert's Rules.

Mr. Aguila clarified that the vote can be made whether to accept the amendments, but the first motion is to vote on the item as-is.

Mayor Levine expressed that the objective is to not allow elected officials from making soliciting phone calls, but stated his concern if someone accused a Commissioner of making phone calls for PAC solicitation, how can one disprove the accusations.

Discussion continued.

Commissioner Grieco made a motion to move on first reading as amended; seconded by Commissioner Wolfson.

Commissioner Wolfson expressed that the word "indirectly" should remain, because someone might assign a third party designee for fundraising.

Mr. Centorino stated that in order for there to be an indirect solicitation, there needs to be collaboration, if there is no evidence of collaboration, there is no issue.

Discussion continued.

Commissioner Steinberg stated that she spoke to former Mayor Dermer regarding ethics reform. She suggested that the City Commission hold a workshop to better refine the ordinance between first and second reading.

Commissioner Malakoff stated that the original ordinance is fine, as was opined by the Commission on Ethics. She would prefer candidates to disclose all of the information regarding their PACs.

Commissioner Weithorn expressed how she wanted to change the word "indirect" for "agent," but suggested the City Commission include her proposed ordinance, which would put a one year ban on campaign consultants from lobbying the City.

Jean Olin, Esq., Outside Counsel, stated that the issue with the word "indirect" is that the ordinance needs to be narrowly tailored in order to be legally defensible. By limiting the ordinance to direct solicitations the ordinance will be narrower, and will reflect the opinion of the Ethics Commission. Additionally, the word "direct" will also need to be defined in the ordinance.

Discussion held regarding Mayor Levine and Commissioner Wolfson's phone calls for their PAC.

Mr. Centorino stated that "direct" and "indirect" contributions will have to be defined in the ordinance, to avoid people finding loopholes that allow them to go around the ordinance.

Discussion continued.

Mayor Levine agreed that between first and second reading the word "indirect" can be addressed.

Commissioner Wolfson asked for a Constitutional Lawyer to be consulted and for the item to be workshoped before second reading.

Commissioner Steinberg stated that this item is a priority, and reiterated that it should be

workshopped. She believes the City Commission should move forward and pass the item as written.

Mayor Levine agreed with Commissioner Steinberg's statement.

AMENDMENT

Commissioner Grieco stated that the amendment will include only what the description of a candidate is under State Statute; seconded by Commissioner Wolfson.

Discussion continued.

Mayor Levine asked that the item will be heard for second reading on December 9, 2015, and the City will consult a Constitutional Lawyer on the matter.

Mr. Aguila clarified that he moved the amendments to the motion, will hire a constitutional attorney to review all three ordinances regarding Ethics. **Raul Aguila to handle.**

Handouts or Reference Materials:

1. Ordinance Draft

9:28:28 a.m.

SUPPLEMENTAL MATERIAL 4: 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)

ACTION: Title of the Ordinance read into the record. **Ordinance adopted on first reading.** Motion made by Commissioner Steinberg; seconded by Commissioner Malakoff; Ballot-vote: 6-0; Absent: Vice-Mayor Tobin. Second reading, public hearing scheduled for **December 9, 2015**. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda. **Office of the City Attorney to handle.**

Commissioner Steinberg stated that there have been occasions when patrons will go to a café and order a food or drink special, not knowing that the price of that special is for \$100 or \$200. She believes this behavior by certain establishments must stop, and proper disclosure of prices and included gratuity needs to take place.

Alek Boskner, First Assistant City Attorney, stated that this legislation will require information to patrons, and failure to do so will result in the shutting down of the sidewalk cafés.

Commissioner Weithorn asked if this will also take place inside the restaurants.

Mr. Boskner explained that they cannot regulate what transpires indoors, but he believes once this ordinance takes place, business owners will only issue one menu for the whole establishment that will provide prices.

Commissioner Malakoff stated that visitors should not be taken advantage of, but she believes small businesses should also be protected, and asked if there have been adequate warnings or fines.

Mr. Boskner explained that the City seeks compliance before taking drastic steps, and they give businesses the opportunity to resolve these types of issues.

9:36:50 a.m.

SUPPLEMENTAL MATERIAL 2: Memorandum & Ordinance

R5L Consolidation And Standardizing Of Notification Procedures Ordinance And Rehearing And Appeal Procedures Ordinance

1. An Ordinance Creating Section 118-8 Entitled "Notice Procedures" At Chapter 118, "Administration And Review Procedures," In Order To Consolidate And Standardize The Notice Provisions From The Various Subsections Of The Land Development Code In One Section; Amending And/Or Striking The Various Notice Provisions From Article II "Boards," Division 5 "Board Of Adjustment" At Section 118-134; Article IV "Conditional Use Procedure" At Section 118-193; Article VI "Design Review Procedures" At Section 118-254; Article X "Historic Preservation" Division 3 "Issuance Of Certificate Of Appropriateness/Certificate To Dig/Certificate Of Appropriateness For Demolition" At Section 118-563; And Division 4 "Designation" At Section 118-591; Providing For Repealer; Severability; Codification; And An Effective Date. **First Reading**
 (Sponsored by Commissioner Deede Weithorn
 Co-Sponsored by Commissioner Michael Grieco)
 (Legislative Tracking: Planning)

ACTION: Title of the Ordinance read into the record. Item heard in conjunction with R5L-2. **Ordinance adopted on first reading as amended.** Motion made by Commissioner Weithorn; seconded by Commissioner Steinberg; Ballot-vote: 6-0; Absent: Vice-Mayor Tobin. Second reading, public hearing scheduled for [December 9, 2015](#). Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda. **Thomas Mooney to handle.**

Amendment:

Commissioner Grieco to co-sponsor the item and become the sponsor of the item at the December 9, 2015 City Commission Meeting.

Pursuant to Section 2-13 of the Code, a motion was made by Commissioner Grieco, seconded by Commissioner Malakoff accepting the Land Use and Development Committee's recommendation of this Ordinance. Voice vote: 6-0; Absent: Vice-Mayor Tobin.

Commissioner Weithorn introduced the item, and stated that when house is going to be torn down or is being renovated, the post signs are frequently not visible due to obstruction, this ordinance sets out to make sure all signs are visible and unobstructed.

Eve Boutsis, Deputy City Attorney, explained the item and clarified the corrections needed. The signs will need to be fixed on a permanent wall, and not behind a gate, so that the public can view it. She thanked the Planning Department for their help in consolidating all of the notice provisions in one section of the City Code. The same consolidation took place for item R5L2.

Commissioner Weithorn thanked Ms. Boutsis for her work and asked for a cosponsor for this item to continue once she is out of Office in November.

Commissioner Grieco requested to presently cosponsor this item, and to be its sponsor after November.

Commissioner Malakoff asked the Planning Department that notices are posted visibly when demolitions take place. **Thomas Mooney to handle.**

Discussion held.

Handouts or Reference Materials:

1. Bullet points for discussion of item R5L.

9:36:50 a.m.

SUPPLEMENTAL MATERIAL 2: Memorandum & Ordinance

2. An Ordinance Consolidating And Standardizing The Rehearing And Appeal Procedures, Including Administrative Appeals And Quasi-Judicial Applications Before Historic Preservation Board, Board Of Adjustment, Planning Board, And Design Review Board, By Amending The Following Sections: Chapter 118, "Administration And Review Procedures," At Section 118-9, Entitled "Appeal And Rehearing Procedures"; And Amending Article II "Boards" Division 3 "Design Review Board" At Section 118-71; Division 5 "Board Of Adjustment" At Sections 118-134, 118-136, 118-137, 118-138; Article IV "Conditional Use Procedure" At Sections 118-193, And 118-197; Article VI "Design Review Procedures" At Sections 118-258, 118-260, 118-261, 118-262, 118-263; Article VIII "Procedures For Variances And Administrative Appeals" At Sections 118-352 And 118-358; Article IX "Nonconformances" At Sections 118-395 And 118-397; Article X "Historic Preservation"; Division 2 "Historic Preservation Board Review Of Projects" At Sections 118-532, 118-536, And 118-537; Division 3 "Issuance Of Certificate Of Appropriateness/Certificate To Dig/Certificate Of Appropriateness For Demolition" At Sections 118-563, 118-564, 118-565; Division 5 "Single-Family Ad Valorem Tax Exemption" At Section 118-609; Chapter 142, "Zoning Districts And Regulations" At Article II "District Regulations," Division 2 "RS-1,RS-2, RS-3, RS-4 Single Family Residential Districts At Section 142-108 In Order To Remove Any Conflicts With Newly Created Section 118-9; Providing For Repealer; Severability; Codification; And An Effective Date. **First Reading**

(Sponsored by Commissioner Deede Weithorn
Co-Sponsored by Commissioner Michael Grieco)
(Legislative Tracking: Planning)

ACTION: Title of the Ordinance read into the record. Item heard in conjunction with R5L-1. **Ordinance adopted on first reading as amended.** Motion made by Commissioner Weithorn; seconded by Commissioner Steinberg; Ballot- vote: 6-0; Absent: Vice-Mayor Tobin. Second reading, public hearing scheduled for **December 9, 2015**. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda. **Thomas Mooney to handle.**

Amendment:

Commissioner Grieco to co-sponsor the item and become the sponsor at the December 9, 2015 Commission Agenda.

Pursuant to Section 2-13 of the Code, a motion was made by Commissioner Grieco, seconded by Commissioner Malakoff accepting the Land Use and Development Committee's recommendation of this Ordinance. Voice vote: 6-0; Absent: Vice-Mayor Tobin.

- R5M An Ordinance Creating Section 118-8 Entitled "Notice Procedures" At Chapter 118, "Administration And Review Procedures," In Order To Consolidate And Standardize The Notice Provisions From The Various Subsections Of The Land Development Code In One Section; Amending And/Or Striking The Various Notice Provisions From Article II "Boards," Division 5 "Board Of Adjustment" At Section 118-134; Article IV "Conditional Use Procedure" At Section 118-193; Article VI "Design Review Procedures" At Section 118-254; Article X "Historic Preservation" Division 3 "Issuance Of Certificate Of Appropriateness/Certificate To Dig/Certificate Of Appropriateness For Demolition" At Section 118-563; And Division 4 "Designation" At Section 118-591; Providing For Repealer; Severability; Codification; And An Effective Date. **First Reading**
(Sponsored by Commissioner Deede Weithorn)
(Legislative Tracking: Planning)

ACTION: Item withdrawn.

9:46:12 a.m.

SUPPLEMENTAL MATERIAL 3: Memorandum & Ordinance

- R5N Amend Chapter 118 Land Development Regulations, Appendix A - Fee Schedule, And Chapter 14 Building Regulations
1. An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, Florida; By Amending Chapter 114 Entitled "General Provisions," At Section 114-7; Chapter 118 Entitled "Administration And Review Procedures," Article I Entitled "In General", At Sections 118-3 And 118-6, Article III Entitled "Amendment Procedure", At Section 118-162, Article IV Entitled "Conditional Use Procedure," At Section 118-193 And 118-196, Article VI Entitled "Design Review Procedures," At Sections 118-253 And 118-255, Article VII Entitled "Division Of Land/Lot Split," At Section 118-321, Article VIII Entitled "Procedure For Variances And Administrative Appeals," At Sections 118-353 And 118-357, Article IX Entitled "Nonconformances," At Section 118-399, Article X Entitled "Historic Preservation," At Sections 118-562, 118-563, 118-564, And 118-591; Chapter 138, Entitled "Signs," At Sections 138-135 And 138-136; Chapter 142, Entitled "Zoning Districts And Regulations," At Section 142-108; And Further Amending Chapter 118, Entitled "Administration And Review Procedures," To Create Section 118-7 And 118-8; Updating And Consolidating The Sections Of The Land Development Regulations Requiring The Assessment Of Fees In Order To Improve Predictability, Transparency And Efficiency Of The Code; Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading**
(Sponsored by Commissioner Joy Malakoff)
(Legislative Tracking: Planning/Building/Fire/Public Works)

ACTION: Title of the Ordinance read into the record. **Ordinance adopted on first reading.** Item heard in conjunction with R5N-2 and R5N-3. Motion made by Commissioner Malakoff; seconded by Commissioner Weithorn; Ballot vote: 5-0. Absent: Vice-Mayor Tobin and Commissioner Wolfson; Second reading, public hearing scheduled for **December 9, 2015**. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda if received. **Thomas Mooney, Mariano Fernandez, Chief Virgilio Fernandez and Eric Carpenter to handle.**

Commissioner Malakoff stated that it has been many years since the fees schedules and other permit fees have been reviewed. Planning and Legal staff have done a great job. Currently, the City is only recovering 28% of the actual costs within these departments in reference to the fees, and the residents have been subsidizing the development process. They want to make it fair to everyone.

Carmen Sanchez, Assistant Planning Department Director, explained that under the leadership of Commissioner Malakoff and Commissioner Weithorn's guidance, they consolidated all fees, and have changed the process from an hourly to a percentage of the value of the cost for better management, and they can assess the actual cost better allocated where it is supposed to be. They have gone through the process that mirrors what the Building Department currently does, which is a percentage of the value rather than the actual job that has not been adjusted over so many years, and that is the reason the City found itself in this predicament. This was requested as well by the Consultant Tyler Industries to facilitate the automation of the permit process, and they have delivered the automated process and look forward to implementing the fees.

Eve Boutsis, Deputy City Attorney, stated that there is a cleanup item on Page 38 of Supplement 3. In the fees ordinances, which is now numbered 118-7 in the LDR's, they are asking for removal of the strikethrough of that portion of 142-108(a), relating to notice. The revisions to 142-108(a) will come back to the City Commission as a separate Code amendment, as staff needs to work on 142-108 a little further before including it within the revisions to 118-8 (the notice provisions). Section 142-108 was inadvertently left out of 118-8, but was revised in 118-7 and 9.

R5N-1 Motion:

Motion made by Commissioner Malakoff to adopt R5N-1 on first reading, seconded by Commissioner Weithorn; Ballot vote: 5-0. Absent: Vice-Mayor Tobin and Commissioner Wolfson

R5N-2 Motion:

Motion made by Commissioner Malakoff to adopt R5N-2; seconded by Commissioner Grieco; Ballot-vote: 5-0; Absent: Vice-Mayor Tobin and Commissioner Wolfson.

R5N-3 Motion:

Motion made by Commissioner Malakoff to adopt R5N-3; seconded by Commissioner Weithorn; Ballot-vote: 5-0; Absent: Vice-Mayor Tobin and Commissioner Wolfson.

Thomas Mooney, Planning Department Director, acknowledged Eve Boutsis, Carmen Sanchez, Lydia and Rogelio for their initiative in taking the fees reviews; they spent countless hours working late and they did a fantastic job.

Commissioner Weithorn recognized staff for undertaking the implementation of a new system, and making these legislative changes and reengineering processes is a critical piece. This is the kind of things that have to be done to make government efficient.

9:48:25 a.m.

SUPPLEMENTAL MATERIAL 3: Memorandum & Ordinance

2. An Ordinance Amending The Code Of The City Of Miami Beach, Florida, Amending Appendix A, "Fee Schedule" To Revise Building, Fire, Planning, And Public Works Fees Charged For Services Related To Land Development And Permitting; Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading**
(Sponsored by Commissioner Joy Malakoff)
(Legislative Tracking: Planning/Building/Fire/Public Works)

ACTION: Ordinance adopted on first reading. Item heard in conjunction with R5N-1 and R5N-3. See discussion with R5N-1. Motion made by Commissioner Malakoff; seconded by Commissioner Grieco; Ballot-vote: 5-0; Absent: Vice-Mayor Tobin and Commissioner Wolfson. Second reading, public hearing scheduled for **December 9, 2015**. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda if received. **Thomas Mooney, Mariano Fernandez, Chief Virgilio Fernandez and Eric Carpenter to handle.**

9:48:44 a.m.

SUPPLEMENTAL MATERIAL 3: Memorandum & Ordinance

3. An Ordinance Amending Chapter 14, "Building Regulations," Division 2, "Permit Fees," At Sections 14-61, 14-62, 14-66, 14-67, 14-68, 14-70, And 14-72; Chapter 15, "Zoning Review Fee Associated With The Building Permit Process," Article II, "Zoning Review Fees Associated With The Building Permit Process," At Sections 15-31, 15-32, 15-33, 15-34, 15-35, 15-36, And 15-37; Chapter 50, "Fire Prevention And Protection," At Sections 50-3, 50-4, 50-5, 50-6, 50-7, And 50-8; Chapter 66, "Marine Structures, Facilities And Vehicles," Article III, "Piers, Docks And Boat Ramps," At Section 66-114; Chapter 86, "Sales," Division 2, "Permit," At Section 86-56; Chapter 98, "Streets And Sidewalks," Article III, "Excavations," Division 2, "Permit," At Sections 98-93 And 98-94; Further Amending Chapter 50, "Fire Prevention And Protection," To Create Sections 50-9, 50-10, 50-11, 50-12, 50-13, 50-14, And 50-15; Chapter 98, "Streets And Sidewalks," Article III, "Excavations," Division 2, "Permit," To Create Sections 98-95, 98-96, 98-97, 98-98, 98-99, And 98-100; Updating And Consolidating The Sections Of The City Code Of Ordinances That Require The Assessment Of Fees For Permitting Services In Order To Improve Predictability, Transparency And Efficiency Of The Code; Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading**
(Sponsored by Commissioner Joy Malakoff)
(Legislative Tracking: Planning/Building/Fire/Public Works)

ACTION: Ordinance adopted on first reading. Item heard in conjunction with R5N-1 and R5N-2. See discussion with Item R5N-1. Motion made by Commissioner Malakoff; seconded by Commissioner Weithorn; Ballot-vote: 5-0; Absent: Vice-Mayor Tobin and Commissioner Wolfson. Second Reading Public Hearing scheduled on **December 9, 2015**. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda if received. **Thomas Mooney, Mariano Fernandez, Chief Virgilio Fernandez and Eric Carpenter to handle.**

3:09:59 p.m.

SUPPLEMENTAL MATERIAL 2: Memorandum & Ordinance

R5O An Ordinance Amending Miami Beach City Code Chapter 2, Article VII, Division 5 Entitled "Campaign Finance Reform," By Adding Thereto Section 2-491 Entitled "Disclosure Of Solicitation," Requiring Any Candidate Or Campaign Committee Of A Candidate For The Offices Of Mayor Or Commissioner Or Member Of The City Commission Who, On Behalf Of A Political Committee Which Supports Or Opposes Candidates For Elected City Office, Solicits Campaign Contributions For City Elected Office From A Vendor, Lobbyist On A Procurement Issue, Real Estate Developer And/Or Lobbyist On A Real Estate Development Issue, To Disclose The Date Of Solicitation As Well As Name And Contribution Amounts Of Any Individual Who Was Solicited, Disclosure To Be Filed In City Clerk's Office. **First Reading**

(Sponsored By Commissioner Deede Weithorn
And Commissioner Micky Steinberg)

(Legislative Tracking: Office of the City Attorney)

ACTION: Item opened and continued to the **December 9, 2015** Commission Meeting, by acclamation. Lilia Cardillo to place on the Commission Agenda if received. **Office of the City Attorney to handle.**

Commissioner Weithorn explained that she thinks that even allowed solicitations should be disclosed, and she does not have to be the sponsor of the ordinance. She added that Commissioner Steinberg offered to sponsor the item; she is proud of what she has done and will be prouder if this City Commission moves forward in the right direction.

Discussion held.

Commissioner Grieco suggested opening and continuing the item until December and include all Ethics ordinances brought forth together. By acclamation.

3:12:06 p.m.

SUPPLEMENTAL MATERIAL 2: Memorandum & Ordinance

R5P An Ordinance Amending Miami Beach City Code Chapter 2, Article VII, Division 5 Entitled "Campaign Finance Reform," By Adding Thereto Section 2-491 Entitled "Prohibited Lobbying By Campaign Consultants," Prohibiting Campaign Consultants And Certain Affiliated Persons Or Entities From Lobbying City Commission For 12 Months Subsequent To Swearing In Of Subject Elected Official(s), Establishing Definitions, And Limited Exemption; Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading**

(Sponsored By Commissioner Deede Weithorn
Co-Sponsored by Commissioner Micky Steinberg)

(Legislative Tracking: Office of the City Attorney)

ACTION: Title of the Ordinance read into the record. **Ordinance adopted on first reading.** Motion made by Commissioner Weithorn; seconded by Mayor Levine; Ballot vote: 6-0. Absent: Vice-Mayor Tobin. Second reading, public hearing scheduled for **December 9, 2015**. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda if received. **Office of the City Attorney to handle.**

Commissioner Weithorn stated that this item, for her, is about perception that lobbyists work with people during campaigns and then they lobby the city Commission. She had asked for a prohibition from lobbying elected officials for one year after their election, and she thinks this is a good ordinance for public perception.

Motion made by Commissioner Weithorn to adopt the ordinance on first reading; seconded by Mayor Levine. Ballot vote taken.

10:47:23 a.m.

R7A A Resolution Approving, On Second And Final Reading, Following A Duly Noticed Public Hearing, The Transfer Of An Air Rights Easement Agreement, To Betsy Ross Owner, LLC (Applicant) For The Property Identified In Exhibit "A," In Order For The Applicant To Construct A Bridge Over Ocean Court To Join The Carlton And The Betsy Hotels; Which Easement Area Contains Approximately 181.66 Square Feet In Total Area, 19 Feet Above Ocean Court; And The City Receiving Payment, Based Upon Appraised Value, From The Applicant. **10:45 a.m. Public Hearing**

(Public Works)

(First Reading on September 2, 2015 - R7T)

ACTION: Public Hearing held. **Resolution 2015-29171 adopted.** Motion made by Commissioner Malakoff; seconded by Commissioner Grieco; Voice vote: 4-1. Opposed: Commissioner Weithorn; Absent: Vice-Mayor Tobin and Commissioner Wolfson. **Eric Carpenter to handle.**

Eric Carpenter, Public Works Director, introduced the item and explained discussions have been held over the past two years regarding The Betsy Ross Hotel on Ocean Drive and The Carlton Hotel on Collins Avenue. There is a process in place for any transfer of rights from City owned property to an outside entity. A public announcement was made at a prior Commission Meeting setting a Public Hearing date; it was discussed at the Finance and Citywide Projects Committee meeting, whose recommendation was to bring it forward to the City Commission with a transfer of the air rights to The Betsy Hotels, and a payment to the City of \$240,000.

Eve Boutsis, Deputy City Attorney, added for the record, that Kent Harrison Robbins, Esq., submitted a letter objecting to the grant of the easement, alleging that this is a violation of the Charter Code. She clarified that Section 1.03 of the Charter has not been triggered; there is no supermajority vote required for the grant of the easement agreement, and the City has never done so with prior easements, including the easement with The Tides.

Discussion held.

Commissioner Malakoff added that this was done previously for The Tides Hotel. She was on the Finance and Citywide Projects Committee when it was discussed, and the \$240,000 was using the same type of appraisal that was done for the Tides, and the committee recommended that those funds be used towards the beautification of the alley with landscaping and in the future create a beautiful pedestrian path between Ocean Drive, Ocean Court all the way to Española Way.

Commissioner Steinberg asked to hear from the representatives.

Eve Boutsis, Deputy City Attorney, corrected the title for the record, and stated that the word "transfer" is changed "to grant" air rights.

Commissioner Grieco stated that one of his recommendations was that when they improve the pedestrian egress in that area, that they disallow the garbage trucks from being able to drive over that area. He is concerned about the pedestrian walkway and wants further discussion about this.

William Riley, Esq., Gray Robinson Law Offices, explained that their concept was for a dramatic and artistic creation that would promote pedestrian activity within the green alley. There was a need to engineer the concept when it was first presented to the City Commission 18 months ago. Presentations were made at commission committees, and today they are presenting the same

concept. The artistic element will be visible from pedestrians walking down Ocean Court and Ocean Terrace only, and it will be a destination point for Art in Public Places. He explained that their appraisals came out at a fee value of \$750 per square foot. The City's fee value came out at \$770 per square foot. He added that the three components beneficial to them and the City are: 1) \$375,000 for the artistic sphere without the bridge connectivity; 2) the cost of \$300,000 for the undergrounding of utility and telecommunication lines in the alleyways behind their properties; and 3) the proposed improvements for 14th Place (on Page 4 of the Presentation), shows the depth of the alley. This is a unique piece of property, and that is an additional financial contribution and a benefit that they are negotiating with City staff and will come back to the City Commission in the future.

Discussion continued.

Motion made by Commissioner Malakoff; seconded by Commissioner Grieco. No vote taken.

Commissioner Weithorn likes the project, but thinks they are selling it too cheap. They have issues and litigations still with The Betsy and adjacent neighbor, and suggested not approving the item today. She will vote against it because of the unresolved issues.

Commissioner Steinberg asked Mr. Client how much money is his client planning to spend on the alleys.

Mr. Riley stated that, apart from the alleys, the financial contribution apart from the structural bridge is \$915,000. \$240,000 is an in-kind contribution for beautification of the alleyway. Additionally improvements will be made to the pedestrian alleyways at 14th Place and Ocean Court, which include hardscape, landscaping and lighting, after discussions with City staff, and this is a substantial cost, perhaps in the millions of dollars.

Commissioner Weithorn referred to the letter from Mr. Robbins and asked Legal to opine.

Eve Boutsis, Deputy City Attorney, reiterated that the City Charter does not apply; this does not have to go to the Planning Board, and the City has never done a supermajority vote on a grant of an easement.

Discussion held.

Handout or Reference Materials:

1. Ad 1082 published in the Neighbors Section of The Miami Herald.
2. Letter from the Law Offices of Kent Harrison Robbins, Attorney for CVS 10346 FL, LLC, dated October 14, 2015, RE: Item R7A "Sale of Air Rights Easement" Connecting Betsy Hotel to Carlton Hotel Failure to Comply with Charter Code.
3. Exhibit book with table of contents listing: 1. Letter of explanation; 2. Aerial photograph of the subject photography;...10. Artistic rendering of tides hotel pedestrian bridge.

10:59:15 a.m.

11:25:23 a.m.

R7B A Resolution Following A Duly Advertised Public Hearing, And Waiving, By 5/7th Vote, The Competitive Bidding Requirement, Finding Such Waiver To Be In The Best Interest Of The City; And Approving And Authorizing The Mayor And City Clerk To Execute A Lease Agreement, Substantially In The Form Attached To This Resolution, Between The City And Community Aids Resource, Inc. (D/B/A/ Care Resource) (Tenant), For The Use Of Approximately 1,926 Square Feet Of City-Owned Property, Located At 1701 Meridian Avenue, Suite 400, Miami Beach, Florida (Premises), For A Term Of One (1) Year, With One (1) Renewal Option (At City's Option) For One (1) Additional Year. **10:50 a.m. Public Hearing**
(Tourism, Culture & Economic Development)

ACTION: Public Hearing held. **Resolution 2015-29172 adopted as amended.** Motion made by Commissioner Steinberg to approve the lease agreement between the City and Community Aids Resource, Inc., for a term of two years, with a one year renewal option, at the City's discretion, and with the tenant showing that they are making efforts to relocate to a new location during that time; seconded by Commissioner Malakoff. Voice vote: 5-0. Absent: Vice-Mayor Tobin and Commissioner Wolfson. **Max Sklar to handle.**

Max Sklar, Tourism, Culture & Economic Development Director, explained that the original lease between the City and Dr. Hirschman was assigned to Care Resource, at their request, during the last renewal option in September 2015. Staff analyzed the options for recommendations, and looked at the City's own space needs for departments. He explained that in that building, with the exception for this tenant, all other tenants are government uses, and he suggested taking back the space for the City; however, they are recommending a one year lease in order for Care Resource to find a new space, with a one-year option for an additional year at the City's discretion, but they need to start looking for a new location.

Commissioner Steinberg attended the LGBT meeting yesterday and this item was discussed. Committee members brought up the subject of the Human Rights Committee (HRC) Index score received yearly, and one of those criteria for this score is that the City provides services for HIV, AIDS and the LGBT community. She strongly suggested giving the company two more years, as they provide good service to the LGBT community at large.

Mr. Sklar pointed out that the City will be looking to rent office space eventually, if this space is not used when available in a year or longer.

Commissioner Malakoff stated that at the Finance and Citywide Projects Committee she suggested relocating Care Resource to another place suitable, perhaps where other non for profit organizations are located. Their services are needed to be kept in Miami Beach, but the City owns other buildings and she requested assistance from staff in helping them locate another facility with enough square footage at a reasonable rent. She stated that at market prices they cannot afford it as a not for profit.

Mr. Sklar clarified that the tenant currently pays at market rent to the City and they can find office space for the same amount at another location in Miami Beach. The spaces available for not for profits are focused on Sixth Street Community Center and ground retails, but there are no other vacancies.

Discussion continued regarding the renewal terms.

Commissioner Weithorn requested to give them a one year renewal, with a second year option at the City's discretion, but the tenant must have provided proof during that period of time that they have begun to look for space elsewhere.

Commissioner Steinberg recommended tabling the item until their representatives are here to speak.

Discussion continued.

Gisela Torres, Senior Assistant City Attorney, suggested that commencing on the second renewal option the City provide a notice of 90 or 120 days, for the City to have flexibility and the tenant has time to make arrangements.

Discussion continued regarding lease extension.

11:25:47 a.m.

Commissioner Steinberg strongly suggested giving them at least two years extension.

Mayor Levine asked if the City can do a mutual option on the second year lease that the tenant is comfortable with.

Discussion continued.

Commissioner Malakoff suggested doing a two-year lease, instead of one year, to give them time to find space.

Commissioner Weithorn suggested an 18 months lease with an automatic six month renewal, provided that the tenant shows the City an effort to find other space; this gives them two years but ensures that they look for a new location.

Mr. Sklar commented that showing effort to find space is loose, and he would like to work with them to come up with something more concrete. He understands that the tenant has approvals needed from the Federal Government due to the type of facility, but in his opinion they should have a lease within that period of time. At that point, if they are still through the approval process with the government, obviously they can be given more time.

Discussion continued regarding market price.

Mr. Sklar summarized the lease options to Mr. Welsh, and explained that the discussion entailed giving the tenant 18 months to find a new location, and the City has the ability to give the tenant an additional six months, as long as the tenant makes a good effort to have a lease by then and be in the permitting process for build out and for getting the approvals from the Federal Government for the relocation.

Jonathan Welsh, Care Resources, stated that the two year option was discussed among their staff and it is not going to be possible as there are many variables in place; they care for patients underinsured, insured and uninsured, and moving them to a facility is going to take a lot of leg work and time; during the transition many of the patients will go without care. They need an office that has the standards required by a health center; they will need renovation, marketing and this transition may impact them getting funding from the federal government. He stated that Care Resource is not just a private entity in this building; they are community partners; they do the AIDS Walk, they do the White Party, and hold other events, so they are intertwined with the fabric

that is Miami Beach. Moving all these patients and with the variables involved, he requested a minimum of five years, or at least three and a half.

Commissioner Malakoff recommended one year, with one-year option at the City's discretion.

Commissioner Steinberg advocated for more time; she understands the predicament her colleagues are in, but feels strongly that it should be more time allotted to Care Resources for the important services they provide. There is no support for a five-year renewal, but she suggested at least two-years with a one-year renewal.

Commissioner Grieco is against negotiating during Commission Meetings and wished Mr. Welsh had reached out to him in advance; however, he is leaning towards supporting the two-years with a one-year renewal, but moving forward he recommended not negotiating leases on the dais.

Motion made by Commissioner Steinberg to approve the lease agreement between the City and Community Aids Resource, Inc., for a term of two years, with a one year renewal option, at the City's discretion, and with the tenant showing that they are making efforts to relocate to a new location; seconded by Commissioner Malakoff. Voice vote taken.

Handout or Reference Materials:

1. Ad 1082 published in the Neighbors Section of The Miami Herald.

11:07:34 a.m.

R7C A Resolution Pursuant To Section 82-93(a) Of The City Code, To Consider Approving, After Second Reading And Public Hearing, A Revocable Permit Request By Lincoln Centurion Retail, LLC., 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; And Finding That The Revocable Permit Meets The Criteria Of Section 82-94, Of The City Code. **10:55 a.m. Public Hearing**
(Public Works)

ACTION: Public Hearing held. **Resolution 2015-29173 adopted.** Motion by Commissioner Malakoff to adopt the Resolution; seconded by Commissioner Weithorn; Voice vote: 4-0. Absent: Vice-Mayor Tobin and Commissioners Wolfson and Grieco. **Eric Carpenter to handle.**

Jay Fink, Assistant Public Works Department Director, introduced the item and explained that at the July 8, 2014 HPB meeting they granted a certificate of appropriateness for the demolition of the existing structure, and a certificate of appropriateness for the construction of replacement structure with a new design (on Page 72 of the Commission Agenda).

Commissioner Weithorn recognized staff for making this a revocable permit.

Commissioner Malakoff motion to approve the item and Commissioner Weithorn seconded her motion. No voice taken.

Discussion held.

Handouts or Reference Materials:

1. Ad 1082 published in the Neighbors Section of The Miami Herald

3:32:28 p.m.

SUPPLEMENTAL MATERIAL 1: Memorandum, Resolution & Attachment

R7D 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. **2:00 p.m.**

Second Reading Public Hearing/Joint City Commission & Redevelopment Agency

(Finance)

(First Reading on September 30, 2015 - R7E1)

ACTION: Item heard in conjunction with RDA 1A. **Resolution 2015-29174 adopted as amended.** Public Hearing held. Motion by Commissioner Malakoff to adopt the Resolution; seconded by County Commissioner Barreiro; Voice vote: 6-0; Absent: Vice-Mayor Tobin and Commissioner Wolfson. **John Woodruff to handle.**

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

Handouts or Reference Materials:

1. Ad 1086 published in the Neighbors Section of The Miami Herald on September 24, 2015.
2. Ad 1090 published in the Neighbors Section of The Miami Herald on October 1, 2015.
3. Commission Memorandum and RDA Memorandum to Mayor Philip Levine and Members of the City Commission and Chairperson of the Miami Beach Redevelopment Agency, from Jimmy L. Morales, City Manager, dated October 14, 2015, RE: Item R7D.

3:33:25 p.m.

SUPPLEMENTAL MATERIAL 1: Memorandum, Resolution & Attachment

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. **2:01 p.m. Second Reading Public Hearing**

(Finance)

(First Reading on September 30, 2015 - R7E2)

ACTION: Resolution 2015-29175 adopted as amended. Public Hearing held. Motion by Commissioner Grieco to adopt the Resolution; seconded by Commissioner Malakoff; Voice vote: 6-0; Absent: Vice-Mayor Tobin and Commissioner Wolfson. **John Woodruff to handle.**

Handouts or Reference Materials:

1. Ad 1086 published in the Neighbors Section of The Miami Herald on September 24, 2015.
2. Ad 1090 published in the Neighbors Section of The Miami Herald on October 1, 2015.

3:34:10 p.m.

SUPPLEMENTAL MATERIAL 1: Memorandum, Resolution & Attachment

SUPPLEMENTAL MATERIAL 3: Revised Exhibit B

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. **2:02 p.m. Second Reading Public Hearing**

(Finance)

(First Reading on September 30, 2015 - R7E3)

ACTION: Resolution 2015-29176 adopted as amended. Public Hearing held. Motion by Commissioner Malakoff to adopt the Resolution; seconded by Commissioner Grieco; Voice vote: 7-0; Absent: Vice-Mayor Tobin. **John Woodruff to handle.**

Commissioner Grieco summarized the ballot question on the RDA vote. The RDA is made up of the seven City Commissioners and County Commissioner Barreiro. The charter amendment changes the vote needed from 6/7 to 7/8 to reflect the number of members on the RDA.

City Manager Morales thanked his staff for their great efforts.

Handouts or Reference Materials:

1. Ad 1086 published in the Neighbors Section of The Miami Herald on September 24, 2015.
2. Ad 1090 published in the Neighbors Section of The Miami Herald on October 1, 2015.

5:03:55 p.m.

R7E A Resolution Following A Duly Noticed Public Hearing, Creating Restricted Residential Parking Permit Zone 21/Lower Sheridan Avenue Area With Boundaries As Follows: On The South, The Southerly Line Of 28th Street; On The East, The Centerline Of Pinetree Drive; On The North, The Northerly Line Of 30th Street; And On The West, The Centerline Of Sheridan Avenue. **5:02 p.m. Public Hearing**

(Parking)

ACTION: Public Hearing held. **Resolution 2015-29177 adopted.** Motion by Commissioner Weithorn to adopt the Resolution; seconded by Commissioner Grieco; Voice vote: 5-0. Absent: Vice-Mayor Tobin and Commissioner Wolfson. **Saul Frances to handle.**

Saul Frances, Parking Department Director, explained that this item is for the creation of residential parking in zone 21 in the lower Sheridan Avenue neighborhood. They received a petition by residents in the area requesting the program. The area was surveyed, and there were a number of workshops that heard the item in July and September. This program was endorsed by the Committee, and has support from the residents who participated. The area has parking challenges, and there are intrusions in the neighborhood.

Elizabeth Wheaton, Miami Beach resident, spoke in favor of the program.

Handouts or Reference Materials:

1. Ad 1082 published in the Neighbors Section of The Miami Herald.
2. City of Miami Beach Parking Department Proposed Restricted Residential Parking Permit Program for Lower Sheridan Avenue, dated September 24, 2015.

9:55:19 a.m.**SUPPLEMENTAL MATERIAL 4: Resolution & Agreement**

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)

ACTION: Resolution 2015-29178 adopted. Motion by Commissioner Malakoff to adopt the Resolution; seconded by Commissioner Grieco; Voice-vote: 6-0; Absent: Vice-Mayor Tobin. **David Martinez to handle.**

David Martinez, CIP Department Director, introduced the item. This is an additional design modification for the Palm and Hibiscus neighborhood project in the amount of \$73,240.

9:56:38 a.m.

R7G A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Request For Qualifications No. 2014-115-SR, For Professional Engineering Consulting Services Relating To The Design Of The New West Avenue Bridge Over The Collins Canal (The "RFQ"); To Withdraw This Procurement Process And Amend The Existing Contract With Gannett Fleming, Inc., Who Completed The Planning Development And Environmental Phase Of This Project; Further Authorizing The Mayor And City Clerk To Execute An Agreement Upon Conclusion Of Successful Negotiations By The Administration.
(Public Works)

ACTION: Resolution 2015-29179 adopted. Motion by Commissioner Malakoff to adopt the Resolution; seconded by Commissioner Weithorn; Ballot-vote: 6-0; Absent: Vice-Mayor Tobin.
Eric Carpenter to handle.

Eric Carpenter, Public Works Department Director, is asking to award an extension under the prior contract with Gannett Fleming, Inc. to perform the environmental study. FDOT has expressed their agreement of proceeding in this manner.

Commissioner Weithorn stated that this is a failing intersection. She thanked Mr. Carpenter for the work being done to help the intersection.

9:58:36 a.m.**SUPPLEMENTAL MATERIAL 3: Memorandum & Resolution**

R7H A Resolution Creating, Pursuant To Chapter 170, Florida Statutes, A Special Assessment District To Be Known As The Sunset Islands 3 & 4 Utility Improvement District, For A Term Of Ten (10) Years, To Fund The Placement Underground Of Utilities On Sunset Islands 3 & 4, At An Estimated Cost Of \$2,412,398; Providing For The Levy And Collection Of Special Assessments To Fund The Improvements; Providing The Manner In Which Such Special Assessments Shall Be Made; Providing When Such Special Assessments Shall Be Made; Designating The Lands Upon Which The Special Assessments Shall Be Levied; Providing For Publication Of This Resolution; And Authorizing Related Actions.
(Office of the City Attorney/Capital Improvement Projects)

ACTION: Resolution 2015-29180 adopted. Motion by Commissioner Weithorn to adopt the Resolution; seconded by Commissioner Grieco; Voice vote: 6-0; Absent: Vice-Mayor Tobin.
Office of the City Attorney and David Martinez to handle.

David Martinez, CIP Director introduced the item. They are ready to move forward with Sunset Islands 3 and 4.

9:59:10 a.m.

- R7I Canvassing Board Appointments For City's November 3, 2015 General And Special Elections (And November 17, 2015 Runoff Election, If Needed). (No Commission Action Required)
(Office of the City Attorney/Office of the City Clerk)

ACTION: Report given by Rafael E. Granado, City Clerk.

Rafael Granado, City Clerk, and announced that Judge Victoria Ferrer, Jimmy McMillion and Judge Don Cohen were appointed to the Canvassing Board.

10:02:01 a.m.

- R7J A Resolution Authorizing The City Manager, Or His Designee, To Enter Into The Attached Scope And Fee Agreement With Advanced Transportation Engineering Consultant, Inc. For The Purpose Of Implementing A Traffic Monitoring And Management Program For Three (3) Years Or Until The Implementation Of The City Of Miami Beach Intelligent Transportation System And Smart Parking System Project, Whichever Occurs First; And Waiving, By 5/7th Vote, The City's Formal Competitive Bidding Requirements; Finding Such Waiver To Be In The Best Interest Of The City.
(Transportation)

ACTION: Resolution 2015-29181 adopted. Motion made by Commissioner Weithorn to adopt the Resolution; seconded by Commissioner Steinberg; Ballot-vote: 6-0; Absent: Vice-Mayor Tobin. **Jose Gonzalez to handle.**

Commissioner Weithorn requested an explanation for the public.

City Manager Morales explained that the City has been working with Advanced Transportation Engineering Consultant, Inc., to provide services to monitor traffic with cameras and help manage signalization. They have done a good job when the City uses them for special events, and this item would continue that service for a further two years, adding more events and a few more intersections, while coordinating with the County.

Commissioner Malakoff stated that they included the Miami International Boat Show for 2016, when it should be for 2017. She also asked to include all entrances to the City.

Mr. Morales stated that it is actually the Yacht Show, and that the North Beach entrances will be included.

- R7K A Resolution Waiving, By 5/7th Vote, The Competitive Bidding Requirement, Finding Such Waiver To Be In The Best Interest Of The City, And Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 3 (Amendment) To The Agreement Between The City And Limousines Of South Florida, Inc. (LSF), For Turn-Key Operations And Maintenance Services Of A Municipal Trolley System For The City Of Miami Beach (North Beach Trolley Agreement), Executed As Of May 8, 2014, Having An Initial Term Of Five (5) Years With Two (2) One (1) Year Renewal Options (At The City's Discretion); Said Amendment Increasing The Scope Of The Agreement To Include Replacing Four (4) Of The In-Step Type Trolley Vehicles, Currently Being Used For The North Beach Route, With New Low-Floor Type Vehicles (Alternate Vehicles); Adding The Operation And Maintenance Services For Two New Routes, The Middle Beach Loop And The Collins Link Route (Collectively, Middle Beach Routes), Including The Purchase Of Eleven (11) New Alternate Vehicles; And Increasing The Hourly Rate Commensurate With The Purchase Of The Fifteen (15) New Alternate Vehicles, As Well As The Additional Staff, Training, Performance Penalties, And Additional Hours Relating To The Operation Of The Middle Beach Routes; Said Amendment Also Exercising The Two Renewal Options, In Advance, Extending The Term Of The Agreement Through May 7, 2021, And Further Extending The Term, As Applicable, As To Each Route, To Include Sixty (60) Months, Commencing As Of The Roll-Out Date For The Alternate Vehicles Of Each Route; And Increasing The Cost Of The Agreement Pursuant To Said Amendment, In An Amount Not To Exceed \$7,500,000 Annually; And Further Authorizing The City Manager To Approve The Purchase Of Optional Equipment, As May Be Needed In The Administration's Discretion, Subject To Funding Availability.
(Transportation)

ACTION: Item deferred to the **October 21, 2015** Commission Agenda. Lilia Cardillo to place on the Commission Agenda if received. **Jose Gonzalez to handle.**

10:03:59 a.m.

SUPPLEMENTAL MATERIAL 2: Memorandum & Resolution

- R7L A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Firms, Pursuant To Request For Qualifications (RFQ) No. 2015-213-KB For The Preparation Of Environmental Analysis For Miami Beach Transit Projects Including The Beach Corridor Transit Connection Project And Related Services, Authorizing The Administration To Enter Into Negotiations With Kimley-Horn And Associates, Inc., As The Top Ranked Proposer; And Should The Administration Not Be Successful In Negotiating An Agreement With Kimley-Horn And Associates, Inc., Authorizing The Administration To Enter Into Negotiations With Parsons Brinckerhoff, Inc., As The Second Highest Ranked Proposer; And Should The Administration Not Be Successful In Negotiating An Agreement With Parsons Brinckerhoff, Inc., Authorizing The Administration To Enter Into Negotiations With HNTB Corporation, As The Third Highest Ranked Proposer; And Further Authorizing The Mayor And City Clerk To Execute An Agreement, Upon Conclusion Of Successful Negotiations By The Administration.
(Procurement/Transportation)

ACTION: Resolution 2015-29182 adopted as amended. Motion made by Commissioner Grieco to negotiate with the top two bidders; seconded by Commissioner Malakoff; Voice-vote: 4-1; Opposed: Commissioner Weithorn. Absent: Vice-Mayor Tobin and Commissioner Wolfson. **Alex Denis and Jose Gonzalez to handle.**

Amendment:

Provide simultaneous negotiations with the top two ranked firms.

Jose Gonzalez, Transportation Director, introduced the item. This is a recommendation of the top ranked firms for the preparation of the environmental analysis for the Miami Beach transit projects. The committee met last week and made a selection.

City Manager Morales stated that the environmental analysis is part of the streetcar phase to connect Miami Beach with the mainland.

Commissioner Grieco stated that the transit project is one of the most significant projects for the upcoming City Commission. He asked Mr. Gonzalez how many people were involved in the selection committee.

Mr. Gonzalez replied that there were five members.

Commissioner Grieco stated that he is comfortable with both the top ranked teams, and has focused a great deal on this RFQ, and noted that Mr. Gonzalez ranked the second team above the first ranked team by the Committee, and he relies on Mr. Gonzalez's decision.

Commissioner Malakoff agreed with Commissioner Grieco's statement.

Alex Heckler, representing Parsons Brinckerhoff, Inc., stated that his client finished second in the selection by the Committee. The RFQ presented was clear that only qualifications would be considered in this process. He asked for the City Commission to give his client an opportunity, and negotiate with the top two ranked companies. He detailed his client's experience in the field.

Russell Barnes, Kimley-Horn And Associates, Inc., stated that they placed a lot of effort and time to be chosen for the project. He asked the City Commission to move forward with the recommendation made by the selection committee. He detailed his client's experience in the field.

Moved by Commissioner Grieco with an amendment to negotiate with the top two ranked teams, seconded by Commissioner Malakoff.

Mr. Gonzalez explained the ranking factor as to why he chose Parsons Brinckerhoff over Kimley-Horn, and it was mainly due to Parsons Brinckerhoff haven been the only company to work on the two biggest transit public/private partnerships in the nation.

Rick Katz, on behalf of Kimley-Horn further elaborated on their work experience.

Discussion held.

Commissioner Weithorn stated that she will not vote on the changes, and she prefers to go with the City Manager's recommendation.

Commissioner Steinberg stated that she wants the best deal for the City. She found Mr. Gonzalez's explanation very interesting, and wants to move forward with the item.

Discussion continued regarding negotiations.

10:26:47 a.m.

R7M A Resolution Approving The Substantive Terms, As Set Forth In The Draft Agreement Attached As Exhibit "A" To This Resolution, Between The City And A National Salute To America's Heroes, LLC (Applicant), For The Production Of An Aircraft Flight Demonstration And Aquatic Show With Ancillary Activities Such As Entertainment, Exhibits, Concession Sales, Commencing On January 1, 2016, And Ending On December 31, 2021; Authorizing The City Manager To Negotiate And Finalize The Agreement Based On The Approved Terms Set Forth Herein, And, Further Authorizing The Mayor And City Clerk To Execute The Final Agreement Upon Conclusion Of Successful Negotiations, Provided That In The Event That The City And Applicant Deem It Necessary To Include Any New Substantive Terms (Which Are Not Contained In The Attached Draft Agreement) Then Such New Substantive Terms Shall Be Subject To Prior Approval By The Mayor And City Commission Before Final Execution Thereof.

(Sponsored By Commissioner Grieco)

(Legislative Tracking: Tourism, Culture & Economic Development)

ACTION: Resolution not adopted.

Commissioner Grieco introduced the item. He stated that for years the Miami Beach residents have been complaining about the crowds and crime that take place during Memorial Day Weekend. In an effort to promote a more family oriented experience, he is proposing to have the Air and Sea Show come to Miami Beach, which was met with little or no dissension when he first proposed the idea earlier this summer.

Max Sklar, Tourism, Culture & Economic Development Director, stated that he has been negotiating with the applicant, and they have agreed to a term of five years, subject to cancellation by the City Commission annually by August 1 of each year. The City will provide its services with security, fire, first responders, and cleaning. The event will not begin until 2017. There is a bond requirement included that ensures the money is on the City's side if they go over their expenses. The applicant would be responsible to get all necessary permits and approvals, as well as necessary sponsors.

Commissioner Grieco made sure that there will be no scheduling conflict with the OutGames that are scheduled to come in 2017 as well.

Commissioner Malakoff opposes this event because the traffic impact would be a disaster.

Commissioner Weithorn has a problem with timing and lack of resident outreach. She too will vote in opposition of the item.

Commissioner Steinberg understands Commissioner Grieco's vision, but is concerned with the traffic impact and wants to vet it further.

Mayor Levine stated that he loves the Air Show and he agrees that they need to discuss this further and have community involvement, and discuss whether they should have this event on Memorial Day Weekend or some other time.

Commissioner Grieco expressed his disappointment for how the City Commission had initially agreed with the idea of the Air Show when he first brought this item up in the summer, and now hardly anyone is in its favor. He stated that for the last ten years residents have been complaining about how something needs to be done about Memorial Day Weekend, and now that he provides an alternative, no one is supporting it. He mentioned that he would be bringing this item back in December, and will have a Town Hall meeting to discuss it.

Commissioner Malakoff stated for the record that she was not in favor of the Air and Sea Show previously; she does not believe it is good for the Miami Beach brand.

Nancy Liebman spoke about her relatives who lived in Ft. Lauderdale while the Air and Sea Show took place there, and said that the noise that emanates from the planes is unbearable for the residents.

Commissioner Grieco disagreed with Ms. Liebman's statement, and added that the Air Show was universally embraced in Ft. Lauderdale.

Commissioner Weithorn suggested holding Public Workshops for residents before bringing the item back to the City Commission.

11:17:12 a.m.

R7N A Resolution Approving, In Concept, The Master Plan For The Lincoln Road District, For The Refurbishment Of The Lincoln Road Pedestrian Mall, From Washington Avenue To Lenox Avenue, As Well As Connecting Roads From The Convention Center Complex To Lincoln Road (17th Street From Pennsylvania Avenue To Washington Avenue; Drexel Avenue; Pennsylvania Avenue; And Meridian Avenue) (Collectively, The Project); Which Project Was Designed By James Corner Field Operations, And Includes Improvements To The Hardscape, Landscape, Street Lighting, And Street Furnishings.

(Office of the City Manager)

ACTION: Resolution 2015-29183 adopted. Motion made by Commissioner Malakoff to adopt the Resolution; seconded by Commissioner Grieco; Voice vote: 5-0. Absent: Vice-Mayor Tobin and Commissioner Wolfson. **Adrian Morales, Eric Carpenter and Mark Taxis to handle.**

Adrian Morales, Lincoln Road Property Manager, introduced himself and Isabel Castillo. They are willing to answer any questions people may have.

Henry Stolar summarized the proposal, and believes the concept is wrong. The purpose of recent legislation has been to make the City more pedestrian friendly. He believes the grid proposed by this legislation guarantees the return of bicycles and skateboards on Lincoln Road. There are alternative bike lanes on 16th Street. Bicycle connectivity does not need to take place on Lincoln Road. He mentioned Euclid Circle. He believes the plan is overdeveloped and overdesigned.

Steve Gombinski, President of the Lincoln Road Properties, thanked everyone for moving forward with this plan. He believes this plan will make it better for visitors and residents.

Commissioner Grieco stated that on the two options for the Euclid intersection, he opts for a larger area that gives it more flexibility, and as such he supports Option B.

Commissioner Steinberg stated that an alternative needs to be provided to not have bicyclists return to Lincoln Road.

1:54:41 p.m.

R70 A Resolution Rescinding Resolution No. 2015-29124; And Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Proposals Pursuant To Request For Proposals No. 2015-146-YG (The RFP), For Parking Attendants For City Parking Garages; Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Proposer, SP Plus Corporation, With The Combined Annual Total Of The Management Fee And Reimbursable Expenses Not To Exceed \$400,000; Should The Administration Not Be Successful In Negotiating An Agreement With SP Plus Corporation, Authorizing The Administration To Negotiate With LAZ Florida Parking, LLC, With The Combined Annual Total Of The Management Fee And Reimbursable Expenses Not To Exceed \$400,000; And Further Directing The City Manager To Place The Negotiated Agreement On The October 21, 2015 City Commission Agenda For Approval Of The Contract.
(Sponsored by Commissioner Jonah Wolfson)

ACTION: Resolution 2015-29184 as amended. Motion made by Commissioner Wolfson to rescind the prior resolution limiting management fee to \$400,000, and if a deal cannot be reached with the first bidder, then negotiate with the second bidder; seconded by Commissioner Malakoff; Voice vote: 3-3. Opposed Mayor Levine, and Commissioners Steinberg and Weithorn. Absent: Vice-Mayor Tobin. **Alex Dennis and Saul Frances to handle.**

MOTION No. 1:

Motion made by Commissioner Wolfson to rescind the prior resolution limiting management fee to \$400,000, and if a deal cannot be reached with the first bidder, then negotiate with the second bidder; seconded by Commissioner Malakoff; Voice vote: 3-3. Opposed Mayor Levine, and Commissioners Steinberg and Weithorn. Absent: Vice-Mayor Tobin.

MOTION No. 2:

The City Commission agreed by acclamation to negotiate with the first team, however, if negotiations fail with the first team, the City will then negotiate with the second team and have the contract with the second team return to the City Commission.

AMENDMENTS:

Limit negotiations to \$400,000
Include excellent customer service training

Commissioner Wolfson suggested that this resolution could save the City money by limiting negotiations by \$400,000 plus reimbursable expenses. He understands that the City is in the middle of negotiations with the bidders, and a bidder made an error in the bidding process, and were in fact willing to bid a lot less and save the City money. He stated that the direction was to negotiate with Standard Parking, but he recommended negotiating with the second bidder if no agreement was reached.

Saul Frances, Parking Department Director, stated that he believes that this is a reasonable number. Standard Parking is present at the meeting, and will be able to respond.

Commissioner Wolfson made a motion to rescind the prior resolution limiting management fee to \$400,000 to save money, and if a deal cannot be reached with Standard, then negotiate with the second bidder.

Commissioner Malakoff seconded the motion, and added an amendment asking for better training in customer service for all parking attendants.

Commissioner Wolfson accepted the amendment, and stated that the goal is to save the City some money.

Discussion held.

Commissioner Steinberg stated that she is in agreement with the item, and would like to see the developing negotiations with the first vendor. She suggested negotiating with the second vendor if the negotiations are not favorable, instead of going back to the bidding process. She expressed her uneasiness of the \$400,000 limitation, and added that money could be used to better customer service.

Commissioner Weithorn asked Mr. Frances to explain the \$400,000 reimbursable costs. She asked whether the reduction meant the City would save money at the cost of reducing services, which she would not be in favor of.

Raul Aguila, City Attorney, stated that the criteria for the RFP included factors beyond price. Price had a value of 10 points out of a possible 100 points in the RFP. He added that the determinate factor for the motion made is based on price, if the price cannot be reached with the first team, the direction is to go with the second team.

Discussion held.

Mr. Frances stated that the model is based on three components: 1. Living wage hours used for attendance; 2. Management fee, which included different components to it; 3. Reimbursable expenses, which were identified also in the RFP review budget. What is being suggested is that management fee and reimbursables be lumped together and there is a one number report as opposed to a management fee, which is a number that does not change.

Rafael Andrade, Esq., representing LAZ Florida Parking, stated that the reimbursable expenses would not change the level of services at any level. Reimbursable expenses refer to for example, lease payments on vehicles, postage, repairs for leased vehicles, etc. He added that he does not see a reason why the City would pass up on an opportunity to save a significant amount of money.

Mayor Levine stated that he believes that what is being asked is to change the deal, and he does not feel comfortable with that. He asked to give Mr. Frances the directive to negotiate with the first company, and if he cannot reach an agreement, he should negotiate with the second company.

Discussion held.

Chester Escobar, representing Standard Parking, introduced Jason Gordon, who will explain their issues with this particular item.

Jason Gordon, representing Standard Parking, stated that Commissioner Wolfson's goal is admirable in wanting to save the City money, but the problem is that the City Commission cannot change the terms of the RFP, and what is being proposed is a material change. He questioned the error made by LAZ, who listed their bid at approximately \$2.6 million, only to later state it was an error, and they would bid for far less. A number cannot be picked out of thin air to change the RFP.

Commissioner Wolfson stated that this was an administration error, and they are stating that they can do this work for less money. His intention is to save the people money.

Discussion held.

Commissioner Malakoff stated that she would like to hear from the City Attorney before they vote.

City Attorney Aguila reminded the City Commission that the evaluative criteria used to select the teams goes beyond price. A City Commission awarding competitive contracts cannot be arbitrary or capricious. There is nothing in the RFP that precludes the City Commission from simultaneously negotiating the best contract with the two best teams. He disagrees that what Commissioner Wolfson is asking would be deemed arbitrary and capricious.

City Manager Morales expressed concern that there is no denying that by error or not, the City Commission is allowing a bidder change the terms of their proposal after the fact. This was an RFP, price was not the determining factor, if price should have been the determining factor, this RFP could be terminated, and an ITB could be issued, where price will be the determining factor.

Discussion held.

Voice-vote: 3-3. Motion failed.

Commissioner Wolfson asked if they could negotiate with the second bidder.

Commissioner Weithorn stated that last meeting they gave the direction if negotiations were not successful with the first team, they should negotiate with the second team. She asked the City Commission to agree to this by acclamation.

Mr. Andrade asked whether the contract should come back to the City Commission, because currently it is not scheduled to return.

The City Commission agreed by acclamation to negotiate with the first team, however, if negotiations fail with the first team, the City will then negotiate with the second team and have the contract with the second team return to the City Commission.

3:26:27 p.m.

ADDENDUM MATERIAL 1:

R7P A Resolution Requesting The Miami-Dade School Board To Add Swimming As One Of The Physical Education Segments At Each Elementary School In Miami Beach.
(Sponsored by Commissioner Joy Malakoff)

ACTION: Resolution 2015-29185 adopted. Motion made by Commissioner Malakoff to adopt the Resolution; seconded by Commissioner Wolfson; Voice vote: 6-0; Absent: Vice-Mayor Tobin.
John Rebar to handle.

Commissioner Malakoff stated that Miami Beach is surrounded by water, and yet there are children who do not know how to swim. She asked that a resolution be sent requesting that all elementary schools in Miami Beach can use the pools at the Scott Rakow Center and other parks.

Commissioner Wolfson agreed with this item wholeheartedly.

R9 - New Business and Commission Requests

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

ACTION: The following appointments and changes were made:

Committee for Quality Education in Miami Beach:

Jessica Burns is no longer a designee

Hispanic Affairs Committee:

Mickey Minagorri Resigned 09.17.15

LGBT Advisory Board

Robin Schwartz	Term Ending 12/31/16	Term Limit 12/31/22	Appointed by Commissioner Weithorn
Thomas Barker	Resigned 10.05.15		

Marine & Waterfront Protection Authority

Dan Kipnis	Term Ending 12/31/16	Term Limit 12/31/22	Re-appointed by Mayor Levine
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Mayor's Blue Ribbon Panel on Washington Avenue

Lyle Stern	Term Concluded	08.17.15
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Miami Beach Commission for Women

Francinelee Hand TL	Term End 12.31.16	Term Limit 12.31.16	Reappointed by Commissioner Malakoff
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Miami Beach Sister Cities:

Michelle Ricci	Resigned 9.30.15
Guy Simani	Resigned 09.30.15

Commission Committee & Board and Committee Liaison Changes:

Committee on the Homeless

Alba Tarre

Health Facilities Authority

Juan Rodriguez

Miami Beach Commission for Women

Bonnie Stewart

Pursuant to **Sec. 2-22. - General requirements:**

If any member of an agency, board or committee fails to attend 33 percent of the regularly scheduled meetings per calendar year, **such member shall be automatically removed.** To calculate the number of absences under the 33 percent formula, .4 or less rounds down to the next whole number and .5 or more rounds up to the next whole number.

The following board members have been removed due to absences:

Affordable Housing Committee

Laurence Herrup

Committee on the Homeless

Monica Fluke

Leser Lior

Convention Center Advisory Board

Jared Galbut

Tony Rodriguez

Disability Access Committee

Dr. Susan Solman

Hispanic Affairs Committee

Antonio Purrinos

LGBT Advisory Committee

James Weingarten

Marine and Waterfront Protection Authority

Stephen Bernstein

Maurice Goodbeer

Addison Sammet

Monica Casanova

Miami Beach Commission for Women

Dona Zemo

Vanessa Menkes

MB Visitor & Convention Authority

Mark Tamis

Personnel Board

Rosalie Pincus

Police/Citizens Relations Committee

Tiva Leser

Robert Lopez

Melissa Sheppard-Broad

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

ACTION: There were no At Large appointments made.

8:33:38 a.m.

8:55:48 a.m.

R9B1 Dr. Stanley Sutnick Citizen's Forum.

ACTION: The following individuals spoke:

1. Former Commissioner Nancy Liebman requested that item R9I be heard in the morning and Mayor Levine agreed.
2. Timothy Wilcox requested removing item C7M from the Consent Agenda and discuss the item.

Rafael E. Granado, City Clerk, stated, for the record, that Commissioner Weithorn had pulled item C7M.

1:00:59 p.m.

1:21:25 p.m.

R9B2 Dr. Stanley Sutnick Citizen's Forum.

ACTION: The following individuals spoke:

1. Gabriole Van Bryce, representing ECOMB, stated that at the July Commission Meeting they understood the lease would be extended and to enter negotiations; however, they received a letter to vacate the premises. No one informed them or ask them for their opinion. As a result, they were unable to address inaccuracies, one of them was the fact that Luiz Rodriguez had resigned from ECOMB, which was not true. Mr. Rodriguez is still passionately involved with ECOMB; he was laid off due to a financial decision from the Board, but he still continues to oversee events, and is working as a Consultant. She requested that the City Commission grant one year extension to ECOMB and rescind the Resolution adopted at the July City Commission Meeting.

Commissioner Steinberg requested a 15 minute recess.

2. Stanley K. Shapiro stated that Commissioner Weithorn is the first Commissioner he met; Ms. Weithorn was the head of the Miami-Dade League of Cities and has saved the City millions of dollars. Commissioner Wolfson has done what he feels is the proper thing to do for the City; his greatest asset is his wife, and he wished him well. He recognized Vice-Mayor Tobin and added that he is looking forward to the new Administration. He is proud of all and wished them well. He asked for Commissioners to be present during the Stanley Sutnick Hour.

3:28:28 p.m.

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

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

Maria Hernandez, Capital Projects Director, MBCC, introduced the item. Staff will bring the final necessary Commission items to start construction in December 2015; the Guaranteed Maximum Price Amendment (GMP) with Clark Construction, an amendment for Strategic Advisory Group, an amendment to the Owner's REP, the approval to increase resort tax, and the GMVCB contract.

City Manager Morales added that the 1% tax is imposed, it is not an increase.

Ms. Hernandez stated that on October 27 the unveiling event will take place in the Convention Center; this will be a major media event. Today is the second reading of the three bond items. In November and December bonds will be sold and closed.

3:37:16 p.m.

R9D Discussion Regarding Changing Hiring Policy So That All Future Applicants For Any City Position Be Non-Smokers, Including E-Cigarettes.
(Sponsored by Commissioner Michael Grieco)

ACTION: Discussion held. **Sylvia Crespo-Tabak to handle.**

Commissioner Grieco thanked Sylvia Crespo-Tabak for her assistance and stated that they researched and looked at other municipalities who have taken similar action. He thinks they can take this a step further.

Discussion held.

Commissioner Weithorn commended Commissioner Grieco; this is not only about the health of the community and the environment, but also about cost savings. They will reward new employees that do not smoke by over time having lower insurance premiums, etc.

Commissioner Grieco stated that this is also about efficiency and explained that other municipalities such as Doral, Biscayne Park, Sunny Isles Beach are enforcing this.

Mayor Levine stated that he is in favor of the proposed policy.

Commissioner Wolfson is opposed to the proposal.

3:41:23 p.m.

3:49:05 p.m.

R9E Discussion Regarding Changing The Beach Sand Public Accessibility From A Midnight Closure To 10:00 p.m.

(Sponsored by Commissioner Michael Grieco)

ACTION: Discussion held. **Chief Oates to handle.**

Commissioner Grieco stated that several police officers have brought to his attention the trouble of getting people off the beach at night. The trouble is that law abiding people will occasionally fall victim to non-law abiding people on the beach at night time. A good way to resolve this issue is to close the beaches after 10 p.m.

Captain Mark Causey stated that it is a great idea, and he was going to suggest closing the beaches after 10 pm.

Commissioner Malakoff asked if this would affect the tourists' experience by closing the beaches at that time.

Captain Causey stated that tourists usually stay on the beach to watch the sunset, so as long as they do not infringe on sunset times, closing the beaches at 10 pm will not negatively affect tourists. He added that there are exemptions such as full moon parties that stay on the beach until midnight, but these only occur two nights a month, and is not something to be concerned about.

Commissioner Grieco stated that he would draft a resolution to process this, and add the exemptions to closing the beaches at 10 pm. **Commissioner Grieco to handle.**

3:55:22 p.m.

Meeting recessed until 5:00 p.m.

3:41:46 p.m.

R9F Discussion And Update Regarding Undergrounding Of FPL Lines In The Venetian Islands And Citywide.

(Sponsored by Vice-Mayor Edward L. Tobin)

(Legislative Tracking: Public Works)

(On September 2, 2015, Item R9P was requested to be brought back to October 14, 2015)

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

Ahmad Khamsi, representing the Venetian Island Homeowners Association, announced that there is a document available that provides answers, lays out steps and proposes interesting things, for example for retirees and people who have financial limitations there is going to be support on behalf of the neighbors to do so. This is an example of participation of the City and residents. He referred to Pages 7 and 8 of his presentation showing a rendering of the proposed area. He expressed his gratitude on behalf of the neighborhood and added that on Page 18, the document includes answered questions to educate people on all of these issues, it also includes recognition to City officials, recognition to individual donors on the island, all of whom made this project move forward. He announced that the project will be completed within an 18-month period of time and are grateful for the cooperation.

9:24:43 a.m.

9:35:45 a.m.

R9G ~~Discussion Regarding Renewing City Attorney Raul Aguila's Contract, And Providing Him With A 3% COLA And 457 Contribution.~~

A Resolution Relating To The Annual Performance Evaluation Of The City Attorney; And, In Consideration Of The City Attorney's Exemplary Performance During Contract Year May 16, 2014 Through May 15, 2015, Granting A Cost Of Living Adjustment (COLA) Of Three (3) Percent, Effective As Of And Retroactive To May 16, 2015; Further Amending The City Attorney's Employment Contract To Provide For Annual Lump Sum Contributions By The City Of \$10,000 To The City Attorney's 457(B) Deferred Compensation Plan.

(Sponsored by Commissioner Jonah Wolfson)

ACTION: Discussion held. **Resolution 2015-29186 adopted.** Motion made by Commissioner Wolfson; seconded by Commissioner Malakoff. Voice vote: 6-0; Absent: Vice-Mayor Tobin. **Sylvia Crespo-Tabak to handle.**

Commissioner Grieco stated that he has not seen any terms for this contract. He only saw that it was a discussion item.

Raul Aguila, City Attorney, stated that he followed the same pattern as the contracts with the City Manager and City Clerk. He met with Commissioner Wolfson, who negotiated the contract as Chair of the Finance & Citywide Committee. Mr. Aguila is asking for a 3% COLA, which would be retroactive to May 16, 2015, and that since he is over 50 years of age, that the City fund the amount of \$10,000 into his 457 plan in order to supplement the difference to meet the catch-up provision, the City's contribution would be annual with the first contribution due upon approval of this review, and the subsequent contributions due on his anniversary date of service, or February 1st.

Commissioner Weithorn stated that she does not have a problem with the increase Mr. Aguila is asking for, but would like to state, for the record, what Mr. Aguila's current salary is.

Mr. Aguila stated that he believes his salary is the same as the City Manager's salary.

Commissioner Weithorn would like to table the item until the salary amount is available to the City Commission. **Sylvia Crespo-Tabak to handle.**

9:35:45 a.m.

Mayor Levine reintroduced the item.

Commissioner Weithorn stated, for the record, that the City Attorney's current salary is \$255,999 annually.

Commissioner Wolfson spoke with Mr. Aguila, and the new contract seems very reasonable.

Motion made by Commissioner Wolfson to adopt the Resolution; seconded by Commissioner Malakoff.

Handouts or Reference Materials:

1. Edits made to Item R9G by Debora Turner, First Assistant City Attorney.

11:09:08 a.m.

R9H Referral To The Planning Board - Proposed Ordinance Amending Chapter 142 Of The Land Development Regulations Of The City Code Pertaining To Single Family Home Development Regulations. **11:05 a.m. Notice**

(Sponsored by Commissioner Joy Malakoff)

(Legislative Tracking: Planning)

ACTION: Discussion held. Item referred to the Planning Board. Motion made by Commissioner Malakoff; seconded by Commissioner Steinberg; Voice vote: 5-0. Absent: Vice-Mayor Tobin and Commissioners Wolfson. **Thomas Mooney to place on the Board agenda and to handle.**

Commissioner Malakoff explained that this referral to the Planning Board for new revised Land Development Regulations. She has been very active in the Mayor's Blue Ribbon Panel On Flooding and Sea Rise Committee and explained that AECOM, the company that is giving the City expert advice, has stated that part of the desire for the City to become more sustainable and resilient is the need for more sodded pervious space; low impact development and not adding more concrete, but instead, adding more canopy tree and landscaping in general, to be able to capture and retain 95% of the average rainfall. The recommendation is increasing the pervious space in different ways; one is by increasing the step back in the front and side; and the other is requesting that the unit size be reduced by 5% of the homes newly constructed under the new rules adopted in 2014. The average unit size has been 44%, which is certainly doable.

Thomas Mooney, Planning Department Director, added that the setbacks would also be reduced in the front for two-story structures, and would also be reduced on the interior side. Additionally, the minimum amount of required pervious area in the front yard would be increased from 35% to 50%. There would also be some proposals to remove some of the limitations on courtyards and projections that current exist in the Code, as well as the limitation of the second-floor volume being no more than 70%, in light of the fact that there is the proposal to reduce the unit size. This matter was discussed by the LUDC and they recommended that the City Commission refer the Ordinance as drafted to the Planning Board for consideration. At committee, a number of issues were discussed and the City Commission could potentially consider these as part of the referral:

- 1) To allow single-story garage structures limited to 14 feet in height to have a 24-foot front setback;
- 2) To require that the design of any new homes maintaining one-story volume with the two-story mass move toward the back.
- 3) That the maximum projection on the overhangs would be increased from the proposed 3 feet to either six or eight feet.
- 4) Proposed reduction on unit sizes lot coverage occur for properties that are over 10,500 square feet.

There was discussion about requirement for green roofs and other measures to increase overall resiliency, including minimum LED certification, possibly being required for any allowance above the 25% and 45% maximums proposed. Lastly they identified a potential section that would be appropriate, because there is a number of single-family home applications currently in the pipeline and they do not want to penalize those applications that have been designing homes under the current regulations. In accordance with the LUDC recommendation, the Administration recommends that the Ordinance be referred to the Planning Board for consideration on November 24, if approved.

Commissioner Malakoff suggested referring the item to the Planning Board with the summary of the different discussions.

1:33:11 p.m.

R9I Referral To The Planning Board - Proposed Ordinance Amending Chapter 142 Of The Land Development Regulations Of The City Code Pertaining To Maximum Height Requirements For Mixed-Use Buildings With Structured Parking On The West Side Of Alton Road From 6th Street To Collins Canal.

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

ACTION: Discussion held. Item referred. Motion made by Commissioner Malakoff; seconded by Commissioner Wolfson; Voice-vote: 5-1; Opposed: Mayor Levine; Absent: Vice-Mayor. **Thomas Mooney to place on the Board agenda and to handle.**

Eve Boutsis, Deputy City Attorney, introduced the item, which is to increase the height for this one particular property. They will not be adding more stories, but rather adding 5 feet to the building's height.

Thomas Mooney, Planning Department Director, stated that the recommendation from the LUDC is to refer this item to the Planning Board.

Commissioner Malakoff asked whether this would affect buildings that are not in the Historic or Alton Road overlay.

Nancy Liebman stated that she got involved in this item because she heard rumors that high towers would be built on that corner. She believes that congestion is the main source of the problems in Miami Beach. She spoke with the developer of this project, and she believes this is the way development needs to be done. She additionally asked for a moratorium to projects that are asking for additional height.

Mayor Levine explained that what they are doing for Washington Avenue they are doing for Lincoln Road, and they will get the community involved. The same thing that is being done for Washington Avenue is being done for North Beach. They want a comprehensive approach.

Ms. Liebman is in full support, but stated that something needs to be done to stop the overdevelopment in the City.

Commissioner Malakoff added that this project will add 150 public parking spaces in the Alton Road area; there will be less traffic and she suggested referring to committee. There should not be more parking on Alton Road, there needs to be less rather than more congestion.

11:34:22 a.m.

R9J Discussion Regarding AT&T Surface Parking Lot at 1030 15th Street.
(City Manager & City Attorney)

ACTION: Discussion held. Item heard with Item R9M. **City Attorney's Office to handle.**

DIRECTION:

City Attorney's Office provide a progress report via LTC within ten days.

Commissioner Grieco explained that the property, used for commercial purposes by AT&T on the Lenox side, there was a covenant back in 1999 preventing any egress or ingress, however, staff did not memorialize the covenant. AT&T was building a driveway, in contradiction to this covenant, they did research and the City Attorney's Office opined. He informed the City Commission that AT&T has a court reporter present in the Chambers. He is proposing a resolution prior to litigation before moving forward.

Lori Baca, Miami Beach resident, stated having met with AT&T in hopes to reach a compromise, and they are here today to thank the City Commission and Commissioner Grieco for being a champion on this item and to City staff.

Leslie Lewis, representing AT&T, stated they were aware of the covenant to close the gate on Lenox, and they opened a gate on 15th Street. When it was determined that they had more property than needed and it would make it convenient for the residents. They are listening to the neighbors, it is an unfortunate situation, but they are back on the drawing board. She is requesting two weeks' time to come to a compromise.

Commissioner Malakoff asked: 1) no curb cut going into Lenox Avenue, and 2) that there be landscaping and canopy trees.

Discussion continued.

Eve Boutsis, Deputy City Attorney, requested AT&T to keep the status quo until they return with proposals and secondly she asked when the item can be brought back.

Commissioner Grieco addressed the neighbors affected by this to be prepared to take legal action if necessary.

Discussion continued.

Ilona Switz, resident of Michigan Avenue, addressed the City Commission stating that ingress and egress access would be directed to 15th Street.

Discussion held.

Felix Lasarte, representing AT&T, stated that they want to work with the City. He believes the previous City Attorney may have made a mistake, but they are looking forward to working through this issue with the City and neighbors. He added that AT&T has been transparent at all times.

Discussion held.

Commissioner Grieco requested that the City Attorney's Office provide a progress report via LTC within ten days. **City Attorney's Office to handle.**

3:46:45 p.m.

R9K Discussion Regarding Bringing On October 21, 2015, For First Reading, An Ordinance Amending Chapter 82, Article VII Of The City Code, In Order To Streamline The Review And Approval Process For Art In Public Places.

(Sponsored by Commissioner Joy Malakoff)

ACTION: Discussion held. First reading scheduled for December 9, 2015. Lilia Cardillo to place on Commission agenda. **Max Sklar to handle.**

Commissioner Malakoff explained that the procedure for the Art in Public Places to go to the Convention Center is complicated, and she wants to streamline the process.

City Manager Morales stated that the process is elaborate, and can be frustrating to the artists.

3:16:29 p.m.

R9L Status Update On Implementing Restrictions On Bridge Openings During Automobile Peak Travel Times On The 63rd Street Bridge.

(Sponsored by Commissioner Micky Steinberg)

ACTION: Discussion held. **Jose Gonzalez to handle.**

DIRECTION:

Commissioner Steinberg stated that the City will wait for notification from Mr. Lieberum once is published in the federal register, and then in turn the City will need to let the public know of the new procedure.

Commissioner Steinberg introduced the item and thanked Mr. Lieberum for being here.

Michael Lieberum, Seventh Coast Guard District Bridge Branch, announced that the process was started and things are moving forward. They need to publish a notice proposed rulemaking first; once that is published, they will make sure it is available to the City, and they request the City to publish the notice for the community to comment on their proposal. Unfortunately there is no timeline for a completion date as the process goes through several different reviews and agencies.

Discussion held regarding timelines and expectations.

Mr. Lieberum explained that he had proposed rulemaking lasting up to two years and also others that take six months. As far as the Boat Show, they already have a set schedule for the Boat Show every year; this is agreed between the U.S. Coast Guard, Show Management and the City of Miami Beach. During the Boat Show there will be 10-minute openings at the top of the hour to allow boats to get through for the show, and it will be closed during curfew hours.

Commissioner Weithorn asked if there is anything the City can do to move this forward quickly, and Mr. Lieberum answered in the negative.

Commissioner Steinberg expressed her concerns with the bridge opening and safety issues; during rush hour and traffic backed up.

Mr. Lieberum added that during emergencies, there are regulations set up within the federal register which says if dispatch calls, the draw bridge will not open until a fire truck, ambulance or police car passes. The bridge will not open when an emergency vehicle is approaching a draw bridge.

Discussion continued.

Jose Gonzalez, Transportation Director, in answering Commissioner Steinberg's question, informed that the letter from Administration to the US Coast Guard formally notifying them of the City's request was issued in April 2015.

Discussion continued.

Commissioner Steinberg stated that the City will wait for notification from Mr. Lieberum once is published in the federal register, and then in turn the City will need to let the public know of the new procedure.

Mr. Lieberum stated that there will be a 90-day period where people will have the ability to comment on the regulation; once they receive those comments, if there is nothing negative that will stop the process from going forward, they will be able to do a final rule, which takes another three to four months.

Commissioner Steinberg assured that the residents will not have negative feedback.

Mr. Lieberum clarified that the City also needs to consider what is reasonable for the boaters as well, which is why he is saying "negative comments," because there are also commercial people that use this waterway, which is why they need to hear from them, as they can always change the regulations slightly based on that. Most of the boaters are residential, and there are also commercial boaters that are actually not opposed to this.

Discussion held.

Mayor Levine asked if there was any way to move this process faster.

Mr. Lieberum informed that they can impose a temporary rule and this could be in place for six months; however, they would then start over again with a notice proposed rulemaking and it is illegal to have another temporary rule after that.

Commissioner Weithorn complained of two intersections that appear to be problematic and she requested staff to go out and look into it, as this is exacerbated by the bridge opening.

City Manager Morales explained that the 67th and Indian Creek is the light that was seriously damaged; it is malfunctioning, but the County will try to fix it but are having problems. Unfortunately, there is nothing they can do.

Mr. Gonzalez stated that the light at this intersection has already been repaired.

Mayor Levine thanked Mr. Lieberum for his presence and assistance.

Mr. Lieberum recommended keeping putting pressure on them to make sure the process is moving forward.

11:34:06 a.m.

R9M Discussion Regarding Legal Options And All Planning Issues Related To The AT&T Site At 1030 15th Street.

(Sponsored by Commissioner Michael Grieco)

ACTION: Discussion held. Item heard with R9J. See action with R9M. **Eric Carpenter to handle.**

3:15:57 p.m.

R9N Discussion On Biscayne Point Island Entrance Enhancement.
(Capital Improvement Projects)

ACTION: Discussion held. Motion made by Commissioner Weithorn; seconded by Commissioner Steinberg too approve additional funds in the amount of \$150,000 to be paid out of PAYGO. Voice vote: 6-0; Absent: Vice-Mayor Tobin. **David Martinez to handle.**

Jimmy L. Morales, City Manager, stated that the committee's recommendation was over \$300,000 additional funding, and in working with David that number has been reduced to an additional \$150,000; those funds can be paid from PAYGO.

1:42:06 p.m.**ADDENDUM MATERIAL 1:**

R9O Discussion Regarding Policy Direction On Transient Boaters And/Or "Aquatic Squatters" And/Or Related Improper Waste Disposal In Our Waterways.

(Sponsored by Commissioner Michael Grieco)

ACTION: Discussion held. By acclamation the direction is to move forward as a policy for lobbyists in Tallahassee to take up. **Office of the City Attorney and Chief Daniel Oates to handle.**

Commissioner Grieco introduced the item. He stated that several years ago the State did a pilot program regarding the creation of mooring fields. The City of Miami Beach did not participate in the project, and so they do not know whether the program works or now; however, this issue is being discussed in Tallahassee regarding expansion of the program. The City did not have representation at the recent meetings, but there are ongoing discussions, and he wants to discuss with his colleagues if they want to give policy direction to Administration, the City's lobbyists and law enforcement regarding the issue of supporting the expansion of the program, so the City can participate and take measures to mitigate the transient boaters. He has heard several complaints from Fred Karlton and other people during the last year. He asked Commissioner Weithorn for her thoughts.

Commissioner Weithorn stated that it is clearly a problem. In addition to someone outside your "backyard," some of these people think they can use the City's docs to walk through neighborhoods and go to the grocery store, and that happens. These are people who believe they have the constitutional rights to run around in the water, pay no taxes and pay for no services. She complained of boaters discharging into the City has no ability to enforce their noise issue. The problem is the State of Florida does not want to deal with the issue. It is not the City's

jurisdiction. The City can make it illegal to moor boats on seawall or trespass private properties, but the water has been the State jurisdiction. They have to lobby the State.

Mayor Levine stated that the object to the Police Department is for this body to give a policy directive to either move forward with Fatima and City's lobbyists to push with this legislation or not.

Commissioner Steinberg thinks the City has always been represented the mooring issue, but their hands are tied as to what they can do; there is an environmental aspect, as they dump hazards into the water; it is a nuisance and a safety issue for families who live there. There are other municipalities in South Florida that are currently lobbying the State as well, and she suggested going forward as far as policy direction, and do what is possible to lobby effectively.

Police Chief Oates asked what they can do at the local level.

Commissioner Grieco stated that they are discussing the concept of a mooring program. If the City provides an option for mooring fields, then it gives them an opportunity to police the areas that are outside of the mooring field for squatters. He asked if the City has a program in place where they use the concept of the tablets to make sure that the waters are not dumping fecal matter into the bay.

Officer Luis Sanchez added that they have tablets and when inspections are done they check for flushing waste, but boaters close the valves so the tablets do not flush out, and they are obviously flushing waste into the water when unsupervised. When they checked the marine sanitation device, if the tablet in the water flushes out, the water will change color beneath the boat, and they will know if the valve is open, but the boaters do close their valves and perhaps open them at nighttime.

Commissioner Steinberg requested an action from Tallahassee and allowing the City to have a mooring area where they can enforce this.

Discussion held.

Commissioner Grieco requested Mayor Levine to allow Fred Karlton to educate them on what is going on in Tallahassee.

Fred Karlton informed that they were in Tallahassee last week before the committee that is designed to tackle this problem, and the way the Legislature is moving is actually to empower cities and municipalities to control their own waterways. They are encouraging cities to create a mooring field and he did some design work, which he shared with City officials, but it is possible that in the near future the City will be getting some powers back, because they recognize that Broward County and Miami Beach are the worst off areas in the State.

Mayor Levine thanked Mr. Karlton for his efforts.

Aleksander Boksner, First Assistant City Attorney, stated that dumping sewage is a violation of State law. He has a memorandum on the placement of dye tablets but it becomes an issue of catching the people, and that is the essential focus; however, there is a requirement that mandates that the vessel cannot moor within a certain distance of the back seawall, and that is an enforceable prohibition now, even though there is a preemption regarding mooring in of itself, but there is a distance requirement of 100 or 150 feet, and he will provide more information if needed, but it has been in existence.

Discussion continued.

Mayor Levine stated this body wants to give direction to move forward with this policy by acclamation.

R10 - City Attorney Reports

11:50:38 a.m.

R10A City Attorney's Status Report.

(Office of the City Attorney)

ACTION: Report given.

11:50:38 a.m.

R10B Notice Of Closed Executive Session

Pursuant To Section 447.605, Florida Statutes, A Closed Executive Session Will Be Held During Recess Of The City Commission Meeting On Wednesday, October 14, 2015, In The City Manager's Large Conference Room, Fourth Floor, City Hall, For A Discussion Relative To Collective Bargaining.

ACTION: City Attorney Raul J. Aguila announced the Closed Executive Session prior to the City Commission meeting recess. Executive Session held.

Reports and Informational Items

1. Reports and Informational Items (see LTC 393-2015).
2. List of Projects Covered by the Cone of Silence Ordinance - LTC No. 392-2015.
(Procurement)
3. Report From Commission Committees Of Withdrawn Items Not Heard Within (6) Six Months From Their Referral Date.
(Office of the City Clerk)

SUPPLEMENTAL MATERIAL 4: LTC No. 399-2015

4. LTC - Regarding Police Department's Intention To Rely On Miami-Dade County Police Department To Investigate Officer-Involved Shootings And Critical Incidents Occurring On Miami Beach.
(Police)

End of Regular Agenda

Miami Beach Redevelopment Agency

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

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

AGENDA

3:32:28 p.m.

SUPPLEMENTAL MATERIAL 1: Memorandum, Resolution & Attachments

SUPPLEMENTAL MATERIAL 3: Revised Exhibit B

- 1A 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. **2:00 p.m. Second Reading Public Hearing/Joint City Commission & Redevelopment Agency**

(Finance)

(First Reading on September 30, 2015 - RDA 1C)

ACTION: Item heard in conjunction with item R7D-1. **RDA Resolution 619-2015 adopted as amended.** Motion made by Commissioner Malakoff to adopt the Resolution; seconded by County Commissioner Barreiro; Voice vote: 6-0. Absent: Vice-Mayor Tobin and Commissioner Wolfson. **John Woodruff to handle.**

Handouts or Reference Materials:

1. Ad 1086 published in the Neighbors Section of The Miami Herald on September 24, 2015.
2. Ad 1090 published in the Neighbors Section of The Miami Herald on October 1, 2015.
3. Commission Memorandum and RDA Memorandum to Mayor Philip Levine and Members of the City Commission and Chairperson of the Miami Beach Redevelopment Agency, from Jimmy L. Morales, City Manager, dated October 14, 2015, RE: Item R7D.

Meeting adjourned at 5:22:04 p.m.