

# MIAMI BEACH

## City Commission Meeting

City Hall, Commission Chambers, 3<sup>rd</sup> Floor, 1700 Convention Center Drive  
February 10, 2016

Mayor Philip Levine  
Commissioner John Elizabeth Alemán  
Commissioner Ricky Arriola  
Commissioner Kristen Rosen Gonzalez  
Commissioner Michael Grieco  
Commissioner Joy Malakoff  
Commissioner Micky Steinberg

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

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### ATTENTION ALL LOBBYISTS

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

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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 8:32:27 a.m.

Inspirational Message given by Reverend Harold Thompson from the Miami Beach Community Church.

Pledge of Allegiance lead by Chief Daniel Oates.

#### **ADDENDUM MATERIAL 1:**

C4K R9R R9S R9T R9U

#### **ADDENDUM MATERIAL 2:**

C4L C4M R7R R9V R9W

**SUPPLEMENTAL MATERIAL 1:**

- C7L Memorandum
- R5D Memorandum & Ordinance
- R7J Memorandum & Resolution
- R7K Memorandum & Resolution
- Reports & Informational Items – 4 LTC

**SUPPLEMENTAL MATERIAL 2:**

- R5B Memorandum & Ordinance

**9:09:53 a.m.**

Rafael E. Granado, City Clerk, read corrections and notations into the record. Item R5G, Page 404, Subsection 4; correct spelling of “transient” on line 3. Item R9O, the name of Dr. Ariel is spelled backwards; the correct name is Dr. Barack Ariel. He added that Vice-Mayor Alemán had requested to co-sponsor items R5G and R5J.

**ITEMS SEPARATED:**

- C2B, C4D and C4I by Commissioner Rosen Gonzalez
- C4F by Commissioner Malakoff
- C4C and C4D by Commissioner Steinberg

**ITEMS DEFERRED:**

- R2A to February 24
- R7M to February 24
- R7N to March 9, 2015

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

**ADDENDUM**

**City Clerk’s Note:**

Pursuant to Ordinance 2015-3954, Sec. 2-12(3), addendum agenda items R9R and R9S have been approved by Mayor Levine to be placed on the Commission Agenda. No additional vote is required.

**City Clerk’s Note:**

**Sec. 2-12(3)**

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

**9:11:10 a.m.**

**MOTION TO ADD ADDENDUM ITEMS BY 5/7 VOTE**

Motion made by Commissioner Rosen Gonzalez; seconded by Vice-Mayor Alemán to add the following addendum agenda items to the Commission Agenda: C4K, C4L, C4M, R7R, R9T, R9U, R9V and R9W. Voice vote: 6-0. Absent: Commissioner Grieco.

Mayor Levine explained the reason why the items must be in the Commission Agenda several days before so the public is aware of what is being discussed.

**CONSENT AGENDA****9:13:40 a.m.**

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

**C2 - Competitive Bid Reports**

C2A Request For Approval To Issue A Request For Qualifications (RFQ) No. 2016-073-KB For Construction Manager At Risk (CMR) For Construction Of Lincoln Road Improvements.  
(Procurement/Capital Improvement Projects)

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

**09:47:11 a.m.**

C2B Request For Approval To Issue A Request For Proposal (RFP) No. 2016-046-KB For Red Light Violation Camera Enforcement System And Related Support Services.  
(Procurement/Police)

**ACTION:** Request approved. Item separated by Commissioner Rosen Gonzalez. Motion made by Commissioner Steinberg; seconded by Commissioner Malakoff; Ballot-vote: 5-2; Opposed: Commissioners Grieco and Rosen Gonzalez. **Alex Denis and Police Chief Oates to handle.**

Commissioner Grieco stated that he has always been against Red Light Cameras, and has consistently voted against them. Philosophically speaking, he is opposed to a computer or robot determining whether a person has committed a traffic infraction. He supports the idea of using cameras to monitor traffic, but he disapproves of using the cameras to issue citations.

Commissioner Rosen Gonzalez presented a slide with Red Light Camera data. Click [here](#) to see the slide. She stated that the City is currently involved in two class-action lawsuits regarding Red Light Cameras. This program was estimated to bring in over a million dollars a year in revenue, but it is actually only providing just 10% of that. State Senate Bill 168 is against Red Light Cameras, and she believes it would be imprudent for the City to invest in a program that could become illegal Statewide. She added that Miami-Dade County has voted against Red Light Cameras, and other municipalities across the State have banned them as well, including Aventura and Hallandale Beach. She highlighted the statistics that showed before Red Light Cameras were installed at specific intersections there were 3,453 crashes, however, after the Red Light Cameras were installed there were 3,959 crashes; an increase of 14%. A study that included 70 municipalities reported a 29.31% increase in incapacitating injuries after the Red Light Cameras were installed. She acknowledged the data presented by Police Chief Oates, which favors the program, but she believes the data is due to an unaccounted variable, which is the County's traffic light delay. Previously, Miami-Dade County traffic lights would switch from red to green immediately. Now the County has implemented a seven-second delay in busy intersections, and a two to three second delay in all other intersections.

Commissioner Steinberg respectfully disagreed, as she believes that Red Light Cameras do in fact modify behavior. She asked to hear from Police Chief Oates.

Police Chief Oates stated that the use of Red Light Cameras is a policy decision, but in his opinion, despite the State study, the Miami Beach intersections that have Red Light Cameras have had a drop in accidents and injury accidents. Red Light Cameras do not provide cities with a significant

source of revenue; their main purpose is to modify behavior, which in many cases is irrefutably dangerous. He presented a video showing people running red lights endangering other cars and pedestrians. Click [here](#) to access video. He reiterated his belief that this program works, and added his own experience receiving two speeding tickets via Red Light Camera, and having to change his behavior while driving.

Discussion held regarding the use of Red Light Cameras for use as evidence against criminals.

Vice-Mayor Alemán stated that she received a Red Light Camera ticket in another City, and she has since changed her behavior. She added that she trusts the professionalism and expertise of the Police Chief.

Commissioner Malakoff agreed with her colleague.

Commissioner Rosen Gonzalez stated that Red Light Cameras do not control behavior, and referred to her slide with data. She would like to do a straw ballot and let the people of Miami Beach decide whether they want to continue the program. (See also item R9Q.)

Commissioner Steinberg feels strongly that this issue is something the City Commission needs to make a decision on, and not have it go to a straw ballot.

Commissioner Grieco is not supportive of straw ballots. He reiterated his position of being opposed to Red Light Cameras used for issuing traffic tickets.

Commissioner Rosen Gonzalez suggested keeping the RFP on a month-to-month basis, because the State may ban Red Light Cameras. She asked Mr. Boksner to provide information regarding the class-action suits the City is involved in, and how much it is costing the City.

Aleksandr Boksner, First Assistant City Attorney, gave the monetary statistics incurred for both lawsuits. The State lawsuit exposure may be approximately \$500,000, and the Federal lawsuit range in the millions of dollars.

Mayor Levine stated that Miami Beach is not alone in the litigation, and is joined by several other municipalities in this matter.

Police Chief Oates clarified that the cameras record 24 hours a day, and are not triggered on and off when a car runs a red light.

Discussion continued.

Raul J. Aguila, City Attorney, stated that the proposed State legislation would allow contracts to continue through 2019, and then they would be phased out.

- C2C Request For Approval To Authorize The Issuance Of A Request For Qualifications (RFQ) No. 2016-057-WG For Investigation, Background, Adjusting And Surveillance Of Selected Tort Liability Claims, Workers' Compensation Claims, And Other Employment Related Matters.  
(Procurement/Human Resources)

**ACTION:** Request approved. **Alex Denis and Sylvia Crespo-Tabak to handle.**

**C4 - Commission Committee Assignments**

- C4A Referral To Neighborhood/Community Affairs Committee - Discussion Regarding A Mid-Beach Intermodal Facility.  
(Transportation)

**ACTION:** Item referred. **Morgan Goldberg to place on the Committee agenda. Jose Gonzalez to handle.**

- C4B Referral To The February 17, 2016 Sustainability And Resiliency Committee To Discuss Establishing A Kayak Sharing Program At Select Waterfront Parks.  
(Environment & Sustainability)

**ACTION:** Item referred. **Elizabeth Wheaton to place on the Committee agenda. John Rebar to handle.**

**10:03:29 a.m.**

- C4C Referral To The Planning Board - Proposed Ordinance Amendment Pertaining To Unified Development Sites And The Distribution Of FAR.  
(Sponsored by Commissioner Michael Grieco)  
(Legislative Tracking: Planning)

**ACTION:** Item referred. Item separated by Commissioner Steinberg, who separated it for clarification and more information. Motion made by Commissioner Grieco; seconded by Vice-Mayor Alemán; Voice-vote: 7-0. **Thomas Mooney to place on the board agenda and to handle.**

Commissioner Steinberg explained that she separated the item, because she would like it to be clarified.

Thomas Mooney, Planning Department Director, introduced the item, and stated that the Miami Beach City Code Section 118-5 sets the parameters for unified development sites. These must be properties that are touching, and can be in different zoning districts. Currently, the Code does not permit abutting properties with different zoning districts with the same FAR to move the FAR to the unified site, although it can be done in unified sites in the same zoning district. This item would allow the moving of FAR for commercial and mixed-use properties.

Commissioner Grieco clarified that this would not create FAR, but allows flexibility with the title.

**9:14:04 a.m.**

- C4D Referral To The Planning Board - Proposed Ordinance Amendment Pertaining To The Establishment Of Minimum Freeboard Requirements And Grade Elevations For New Construction.  
(Sponsored by Commissioner Joy Malakoff)  
(Legislative Tracking: Planning)

**ACTION:** Item referred. Item separated by Commissioners Rosen Gonzalez and Steinberg. **Thomas Mooney to place on the board agenda and to handle.** Motion made by Commissioner Malakoff, seconded by Vice-Mayor Alemán. Voice vote: 6-0; Absent: Commissioner Grieco.

Commissioner Rosen Gonzalez asked if homes built prior to 1942 could be exempt from this item.

Eve Boutsis, Chief Deputy City Attorney, stated that the item is currently being referred to the Planning Board for basic definitions and elevations. It does not deal with FAR.

Thomas Mooney, Planning Department Director, stated that Commissioner Rosen Gonzalez's concern is to exempt homes built prior to 1942 from having to comply with the new regulations of the 50% rule.

Commissioner Rosen Gonzalez stated that she wants to help people preserve and restore their homes, but she is afraid that people may use this Ordinance as an excuse to demolish their home.

Discussion held.

Assistant City Manager Suzanne Torriente stated that when the Mayor's Blue Ribbon Panel on Sea Level Rise meets, they could discuss historical homes, and give a recommendation.

- C4E Referral To The Sustainability And Resiliency Committee To Discuss Prohibiting Contractors From Using Roundup And Other Chemicals Labeled As Carcinogens In Public Spaces.  
(Sponsored by Commissioner Ricky Arriola)

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

**10:06:27 a.m.**

- C4F Referral To The Sustainability And Resiliency Committee To Discuss The Elimination And/OR Phasing Out Of Gas-Powered Leaf Blowers.  
(Sponsored by Commissioner Michael Grieco)

**ACTION:** Item referred. Item separated by Commissioner Malakoff. Motion made by Commissioner Grieco; seconded by Commissioner Rosen Gonzalez; Voice vote: 7-0. **Elizabeth Wheaton to place on the Committee agenda. Eric Carpenter to handle.**

Commissioner Malakoff asked for clarification whether this item would be used for City crews or all gardeners who work in the City of Miami Beach.

Commissioner Grieco stated that it would affect all gardeners who work in Miami Beach. The first step would be to ban gas-powered leaf blowers for City workers, and then phase them out throughout the entire City. These leaf blowers are noisy and pollutant. There are quieter alternatives that can be used.

Commissioner Malakoff stated that she is concerned for private gardeners who work in the City, because she believes they work paycheck to paycheck, and banning gas-powered leaf blowers could affect their business.

- C4G Referral To The Land Use And Development Committee To Discuss A Complete Review Of Sign Ordinances.

(Sponsored by Commissioner Ricky Arriola)

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

- C4H Referral To Planning Board: Waiver Of Development Regulations Pertaining To Alcoholic Beverages For The North Beach Band Shell, North Beach (UNIDAD) Senior Center, Miami Beach (Shane) Watersports Center And The Botanical Gardens.

(Sponsored by Commissioner Michael Grieco)

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

**9:17:52 a.m.**

- C4I Referral To The Neighborhood/Community Affairs Committee To Discuss Encroachments In The Public Right-Of-Way.

(Capital Improvement Projects)

**ACTION:** Item referred. Item separated by Commissioner Rosen Gonzalez. Motion made by Commissioner Malakoff; seconded by Commissioner Rosen Gonzalez; Voice vote: 6-0; Absent: Commissioner Grieco. **Morgan Goldberg to place on the Committee agenda. David Martinez to handle.**

Commissioner Rosen Gonzalez stated that part of the aesthetic on Sunset Islands 3 & 4 is the foliage and vegetation, most of which encroaches into the public right of way. However, these hedges are very beautiful and popular. She hopes the City can develop a policy to maintain the hedges.

Eric Carpenter, Assistant City Manager / Public Works Director, stated that they are asking for this item to be referred to NCAC to discuss in detail the impact that may result from removing the hedges, as well as leaving the encroachments in the right of way.

- C4J Referral To The Land Use And Development Committee And The Planning Board – A Proposed Ordinance Setting Forth Demolition Procedures For All Single Family Homes, Regardless Of The Year Of Construction.

(Sponsored by Commissioner Joy Malakoff)

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

**ADDENDUM MATERIAL 1:**

C4K Referral To The Neighborhood/Community Affairs Committee - Monthly Progress Reports For The Following Miami Beach Feeder Pattern Schools: Feinberg Fisher; Biscayne Elementary; Treasure Island; And Nautilus Middle School.

(Sponsored by Commissioner Michael Grieco)

**ACTION:** Item referred. **Morgan Goldberg to place on the Committee agenda. Dr. Leslie Rosenfeld to handle.**

**ADDENDUM MATERIAL 2:**

C4L Referral To The Neighborhood/Community Affairs Committee - Discussion Regarding The Installation Of A Pedestrian Crosswalk Over Alton Road At 57<sup>th</sup> Street, To Connect Bus Stop To Bus Stop On Opposite Sides Of The Street.

(Sponsored by Vice-Mayor John Elizabeth Alemán)

**ACTION:** Item referred. **Morgan Goldberg to place on the Committee agenda. Jose Gonzalez to handle.**

**ADDENDUM MATERIAL 2:**

C4M Referral To Neighborhood/Community Affairs Committee - Discussion On Renaming/Dedicating The Stage At The Bandshell In Honor Of Mr. Clark Douglas Burris.

(Sponsored by Commissioner Micky Steinberg and

Co-Sponsored by Joy Malakoff)

**ACTION:** Item referred. **Morgan Goldberg to place on the Committee agenda. John Rebar to handle.**

Handouts or Reference Materials:

1. Email from Bonnie Stewart, on behalf of Commissioner Joy Malakoff dated February 10, 2016, RE: Co-Sponsor C4M.

**C6 - Commission Committee Reports**

C6A Report Of The January 20, 2016 Sustainability And Resiliency Committee: **1)** Mayor's Blue Ribbon On Flooding And Sea Level Rise Update. **2)** Sustainability Committee Update. **3)** Update On Improving Resiliency Of Government Buildings And Operations To Reduce And Mitigate The Impacts Of Greenhouse Gases. **4)** Discussion Regarding Potential Drafting Of Plastic Bag Ban Ordinance In Anticipation Of The State Pilot Program. **5)** Discussion Implementing Citywide Textile And Electronic Recycling.

**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) Update On Improving Resiliency Of Government Buildings And Operations.****MOTION:** No further action taken.**4) Potential Drafting Of Plastic Bag Ban Ordinance In Anticipation Of The State Pilot Program.****MOTION:** Direct the Commission to instruct the City Attorney's office to begin drafting an Ordinance for the prohibition of plastic bags in the City of Miami Beach.

Moved by Commissioner Arriola, seconded by Commissioner Gonzalez.

**5) Discussion Implementing Citywide Textile And Electronic Recycling.****MOTION:** Item to be continued to the February 17, 2016 Sustainability and Resiliency Committee.

C6B Report Of The December 18, 2015 Sustainability And Resiliency Committee: **1)** Mayor's Blue Ribbon On Flooding And Sea Level Rise Update. **2)** Sustainability Committee Update. **3)** 7<sup>th</sup> Annual Southeast Florida Regional Climate Leadership Summit. **4)** Discussion To Improve Resiliency Of Government Buildings And Operations To Reduce And Mitigate The Impacts Of Greenhouse Gases. **5)** Discussion Regarding Potential Drafting Of Plastic Bag Ban Ordinance In Anticipation Of The State Pilot Program.

**ACTION:****1) Mayor's Blue Ribbon On Flooding And Sea Level Rise Update.****MOTION:** No further action taken.**2) Sustainability Committee Update.****MOTION:** Item continued to the February 2016 Sustainability and Resiliency Committee Agenda Item.**3) 7<sup>th</sup> Annual Southeast Florida Regional Climate Leadership Summit.****MOTION:** No further action taken.**4) Improve Resiliency Of Government Buildings And Operations To Reduce And Mitigate The Impacts Of Greenhouse Gases.****MOTION:** Referral of the Citywide Resiliency Strategy to the City Commission for approval of the concept.

Moved by Commissioner Gonzalez, seconded by Commissioner Arriola.

**5) Discussion Regarding Potential Drafting Of Plastic Bag Ban Ordinance In Anticipation Of The State Pilot Program.****MOTION:** Item deferred for further discussion to the January 20, 2015 Sustainability and Resiliency Committee.

C6C Report Of The January 22, 2016 Finance And Citywide Projects Committee Meeting: **1)** Discussion Regarding The Renewal Of The Agreement Between The City Of Miami Beach And Clear Channel Outdoor, Inc. (F.K.A. Clear Channel Adshel, Inc.), To Construct, Operate And Maintain Bus Shelter Structures And Other Street Furniture Throughout The City, Pursuant To City Of Miami Beach Request For Proposals No. 107-99/00. **2)** Discussion Regarding Incentivizing Local Theater In Miami Beach. **3)** Discussion Regarding Time Capsule 2066.

**ACTION:**

**1)** Renewal Of Agreement/City & Clear Channel Outdoor, Inc. (F.K.A. Clear Channel Adshel, Inc.) - Construct, Operate & Maintain Bus Shelter Structures & Other Street Furniture Throughout The City - RFP No. 107-99/00.

**ACTION:** The Committee moved this item to the Commission with a recommendation of going out for Request for Proposal (RFP) for the design of the bus shelters.

**2)** Discussion Regarding Incentivizing Local Theater In Miami Beach.

**ACTION:** The Committee recommended the local theater be funded by The Fillmore revenue stream in order to cover the rental waivers of the Colony Theater so that theater events can occur on a weekly, bi-weekly or monthly basis.

**3)** Discussion Regarding Time Capsule 2066.

**ACTION:** Item deferred to the next meeting.

C6D Report Of The January 20, 2016 Land Use And Development Committee Meeting: **1.** Annual Evaluation Of Parking Impact Fee Structure. **2.** Discussion On The Collins Canal Project. **3.** Sidewalk Café Ocean Drive Umbrellas: An Ordinance Of The Mayor And City Commission Of The City Of Miami Beach, Florida, Amending Chapter 82, Entitled "Public Property," Article IV, Entitled "Uses In Public Rights-Of-Way," Division 5, Entitled "Sidewalk Cafes," Subdivision 2, Entitled "Permit," By Creating Section 82-389, Entitled "Additional Minimum Standards, Criteria, And Conditions For Operation Of Sidewalk Cafes On Ocean Drive Between 5<sup>th</sup> Street And 15<sup>th</sup> Street" To Provide Minimum Standards For Umbrellas And Awnings, Require Regular Maintenance Of Umbrellas, And Provide Prohibitions; And Providing For Repealer, Severability, Codification, And An Effective Date. **4. a)** Discussion Regarding Grade Elevations For New Construction. **4. b)** Amendments To The City Code, Including The Land Development Regulations, To Improve The City's Resiliency To Sea Level Rise, Flooding And Natural Hazards. **5.** 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. **6.** Discussion Pertaining To Main Use Parking Structure Height Limits On Terminal Island. **7.** Discussion Regarding The Vacation Of A Portion Of The Alley Between Alton Road And West Avenue, Just South Of 17<sup>th</sup> Street - As Part Of A Proposed Mixed Use Project That Will Include Residential, Retail And Structured Parking, Including Public Parking. **8.** An Ordinance Of The Mayor And City Commission Of The City Of Miami Beach, Florida, 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. **9.** 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. **10.** Land Use Amendment Regarding The Selling Of Alcoholic Beverages At The Following Locations: North Shore Bandshell, Shane Rowing Center, And

Botanical Garden. **11.** Discussion Regarding A Proposed Zoning Ordinance Amendment To Allow A 'Hall For Hire' As A Conditional Use Within Existing Religious Institutions Located Within The Museum Local Historic District And In The RM-2 Zoning District. **12.** Discussion Regarding Amending Section 118-5 Unity Of Title; Covenant In Lieu Thereof. **13.** 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 6, "CD-3 Commercial, High Intensity District," To Create Section 142.340, "CD-3 District, Washington Avenue Between 16<sup>th</sup> Street And 17<sup>th</sup> Street Development Regulations And Area Requirements," To Modify The Development Regulations For Properties Fronting Washington Avenue To Include The CD-3, Commercial-High Intensity District Properties Fronting 16<sup>th</sup> And 17<sup>th</sup> Street And Authorizing For New Hotel Construction Or Conversion To Hotel Use, With The Minimum Hotel Room Unit Size Of 175 Square Feet, And Provide Some Additional Design Regulations Relating To The Hotel Use; Providing For Codification; Repealer; Severability; And An Effective Date. **14.** Discussion Regarding The City Of Miami Beach's Building Permit Application Process. **15.** Ordinance Amending Height And Setbacks For Mixed-Use Development In The Sunset Harbour Neighborhood. **16.** Discussion Regarding The Impact Of A Partial Modification Of Ordinance 2014-3876 As It Relates To A FAR Interpretation.

**ACTION:**

1. Annual Evaluation Of Parking Impact Fee Structure.

**MOTION:** Continued to February 17, 2016 by acclamation.

2. Discussion On The Collins Canal Project.

**MOTION:** Item concluded and no further action required by acclamation.

3. Sidewalk Café Ocean Drive Umbrellas.

**MOTION:** Continued to February 3, 2016 and consolidated with Ocean Drive Task Force Discussion Item by acclamation.

4. a) Discussion Regarding Grade Elevations For New Construction.

4. b) Amendments To Code, Including The Land Development Regulations, To Improve The City's Resiliency To Sea Level Rise, Flooding And Natural Hazards.

**MOTION:** JA/MG (3-0)

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

**City Clerk's Note:** See Item C4D

5. Revisions To Chapter 126 - Land Development Regulations Of The City Code.

**MOTION:** MG/JA (3-0)

Continued to February 17, 2016 and that the recommendations discussed by the Committee be incorporated into a revised draft of the proposed Ordinance.

6. Discussion Pertaining To Main Use Parking Structure Height Limits On Terminal Island.

**MOTION:** MG/JA (3-0)

Continue to March 30, 2016

7. Regarding The Vacation Of A Portion Of The Alley Between Alton Road And West Avenue, Just South Of 17<sup>th</sup> Street - As Part Of A Proposed Mixed Use Project That Will Include Residential, Retail And Structured Parking, Including Public Parking.

**MOTION:** MG/JA (3-0)

Continue to March 30, 2016 and recommend that the City Commission refer the item to the Finance Committee.

**8. An Ordinance Amending Chapter 138 Of The Code, Entitled "Signs."**

**MOTION:** JA/MG (3-0)

Recommend that the Ordinance be approved as amended.

**9. Expanding Role Of BOA To Include Review Of New Single Family Homes, With Two Additional Members Being Appointed By The Commission In The Categories Of Architect And Landscape Architect.**

**MOTION:** Item concluded and no further action required by acclamation.

**10. Land Use Amendment Re: Selling Of Alcoholic Beverages At North Shore Bandshell, Shane Rowing Center, And Botanical Garden.**

**MOTION:** MG/JA (3-0)

Recommend that the City Commission consider four waivers regarding alcoholic beverage regulations for the North Shore Bandshell, Shane Rowing Center, Botanical Garden, and North Shore Oceanfront Center.

**City Clerk's Note:** See Item C4H

**11. Zoning Ordinance Amendment To Allow A 'Hall For Hire' As A Conditional Use Within Existing Religious Institutions Located Within The Museum Local Historic District And In The RM-2 Zoning District.**

**MOTION:** Continued to February 17, 2016 by acclamation.

**12. Discussion Regarding Amending Section 118-5 Unity Of Title; Covenant In Lieu Thereof.**

**MOTION:** JA/MG (3-0)

Recommend that the City Commission refer the proposed Ordinance to the Planning Board with the modification that sites involving multifamily zoning be excluded from the modification.

**13. Ordinance Amending Chapter 142, "CD-3 Commercial, High Intensity District," To Create Section 142.340, "CD-3 District, Washington Avenue Between 16<sup>th</sup> Street And 17<sup>th</sup> Street Development Regulations And Area Requirements."**

**MOTION:** The item was withdrawn by the sponsor.

**14. Discussion Regarding The City Of Miami Beach's Building Permit Application Process.**

**MOTION:** Continued to February 17, 2016 by acclamation.

**15. Ordinance Amending Height And Setbacks For Mixed-Use Development In The Sunset Harbour Neighborhood.**

**MOTION:** Continued to February 17, 2016 by acclamation.

**16. Discussion Regarding The Impact Of A Partial Modification Of Ordinance 2014-3876 As It Relates To A FAR Interpretation.**

**MOTION:** Continued to March 30, 2016 by acclamation.

C6E Report Of The January 15, 2016 Neighborhood/Community Affairs Committee (NCAC) Meeting: **1)** Discussion Regarding The Status Of City Funds Given To The Wolfsonian-FIU Museum. **2)** Discussion Regarding Revisions To The Beachfront Concession Rules And Regulations. **3)** Discussion Regarding A Competition Swimming Pool. **4)** Discussion Regarding An Innovative Bicycle Parking System. **5)** Discussion Regarding The Proposed Traffic Flow Modification For 42<sup>nd</sup> Street, Between Prairie Avenue And Pine Tree Drive. **6)** Discussion And Update Regarding Efforts Thus Far And The Proposal To Conduct A Traffic Calming Study In The Nautilus Area. **7)** Discussion Regarding Citywide Street Light And Coverage Audit. **8)** Monthly Crime Statistics Report. (Recurring Item On A Monthly Basis) **9)** Referral To The Neighborhood/Community Affairs Committee To Discuss Proposed Site Options For New Fire Station No. 1. **10)** Referral To The Neighborhood/Community Affairs Committee - Discuss LTC 001-2016 From The LGBT Advisory Committee Regarding Implementing A Rainbow Crosswalk At The Intersection Of Ocean Drive And 12<sup>th</sup> Street On Miami Beach. **11)** Discussion Regarding The Possible Addition Of A Skate Park In North Shore Open Space Park. **12)** Discussion On The Flamingo Park Master Plan As It Relates To The Demolition Of The Robert C. Haas Racquetball Building And The Addition Of The Padel Courts.

**ACTION:**

**1)** Discussion Regarding The Status Of City Funds Given To The Wolfsonian-FIU Museum.

**AFTER ACTION:** Item removed from the pending list.

**NO ACTION TAKEN.**

**2)** Discussion Regarding Revisions To The Beachfront Concession Rules And Regulations.

**DIRECTION:** Meet individually with commissioners. Notify condominiums, especially those that have concessions. Come back to the February NCAC meeting for continued discussion, and in March to finalize.

**3)** Discussion Regarding A Competition Swimming Pool.

**DIRECTION:** Deferred to the April 2016 NCAC meeting.

**4)** Discussion Regarding An Innovative Bicycle Parking System.

**NO ACTION TAKEN.**

**5)** Proposed Traffic Flow Modification/42<sup>nd</sup> Street, Between Prairie Avenue And Pine Tree Drive.

**MOTION:** By Commissioner Steinberg to accept the Sheridan Avenue to Pine Tree Drive first alternative, leaving Sheridan Avenue to Prairie for her colleagues to decide. Between now and next commission meeting in February, the Transportation Department should meet with every commissioner and explain choices. Unanimous Approval.

**6)** Update Re: Efforts And Proposal To Conduct A Traffic Calming Study In The Nautilus Area.

**ACTION:** By Commissioner Steinberg to move forward with the study, and send item to Commission. Unanimous Approval.

**7)** Discussion Regarding Citywide Street Light And Coverage Audit.

**DIRECTION:** By Commissioner Grieco to do the heat mapping analysis and then speak to procurement about getting the RFP out to move forward to do a full lighting of the City.

**8)** Monthly Crime Statistics Report. (Recurring Item On A Monthly Basis)

**NO ACTION TAKEN.**

9) Referral To NCAC To Discuss Proposed Site Options For New Fire Station No. 1.

**DIRECTION:** Defer to February NCAC meeting and notify affected neighborhoods.

10) Referral To NCAC - Discuss Rainbow Crosswalk At Ocean Drive And 12<sup>th</sup> Street.

**DIRECTION:** Jose Gonzalez and either Eric Carpenter or CIP to work with the LGBT committee as part of the Ocean Drive Master Plan improvements, including evaluating the use of brick pavers and come back to February NCAC meeting.

11) Possible Addition Of A Skate Park In North Shore Open Space Park.

**DIRECTION:** Deferred to February NCAC meeting.

12) Flamingo Park Master Plan/Demolition Of Robert C. Haas Racquetball Building/

**DIRECTION:** Come back to next NCAC meeting.

### **C7 - Resolutions**

C7A A Resolution Approving And Authorizing The City Manager, Or His Designee, To Apply For, Accept, And Appropriate Funding (Including Matching Funds And Any Related City Expenses), And Execute Any And All Documents Or Agreements In Connection With Grants And Funding Requests From The Following Sources: 1) Firehouse Subs Public Safety Foundation, In The Approximate Amount Of \$20,000; 2) Florida Department Of Transportation, Highway Safety Program, In The Approximate Amount Of \$425,000; 3) Florida Department Of Transportation Motorcycle Safety Program, In The Approximate Amount Of \$75,000; And 4) Florida Office Of The Attorney General, Victims Of Crime Act (VOCA), In The Approximate Amount Of \$243,141.  
(Budget & Performance Improvement)

**ACTION: Resolution 2016-29280 adopted.** John Woodruff to appropriate the funds if approved and accepted. **Judy Hoanshelt to handle.**

C7B Resolution Authorizing The City Manager, Or His Designee, To Donate Or Discard Obsolete Firefighting Equipment That Has No Commercial Value As Such Equipment No Longer Meets National Fire Protection Association And Occupational Safety And Health Administration Standards.

(Office of the City Attorney)

**ACTION: Resolution 2016-29281 adopted. Office of the City Attorney and Fire Chief Virgilio Fernandez to handle.**

C7C A Resolution Electing Commissioner Micky Steinberg, Group I, As Vice-Mayor, For A Term Commencing On March 1, 2016 And Terminating On June 30, 2016, Or On Such Date When A New Vice-Mayor Is Thereafter Elected.

(Office of the City Clerk)

**ACTION: Resolution 2016-29282 adopted. Office of the City Clerk to handle.**

- C7D A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 3 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 Reporting Tools, Training, And Professional Services.  
(Information Technology)

**ACTION: Resolution 2016-29283 adopted. Ariel Sosa to handle.**

- C7E A Resolution Approving And Authorizing The City Manager And City Clerk To Execute An Agreement With The School Board Of Miami-Dade County, Florida ("M-DCPS"), For Use Of The Parking Lot At Miami Beach Senior High School To Provide Additional Parking For Events Taking Place At The Miami Beach Convention Center, For An Initial Term Of One (1) Year, With Two (2) One-Year Renewal Options, At The Mutual Discretion Of The City Manager And M-DCPS.  
(Organization Development Performance Initiatives/Parking)

**ACTION: Resolution 2016-29284 adopted. Dr. Leslie Rosenfeld and Saul Frances to handle.**

- C7F A Resolution Authorizing The City Manager, And/Or His Designee, And City Clerk To Execute A Contract To Be Prepared By The City Attorney, And Any Amendments Or Adjustments As To Scope And Content, With Potential Trainees For The Miami Beach Police Department Pilot Program To Attract Police Officers With No Prior Law Enforcement Experience, But Who Meet Newly Approved Minimum Standards, Including Having Attained Twenty-One Years Of Age At The Time Of Application And Acquired A Bachelor's Degree Prior To Hiring, As Notified To The Mayor And City Commission Through Letter To Commission 385-2015 Dated September 28, 2015.  
(Police)

**ACTION: Resolution 2016-29285 adopted. Police Chief Daniel Oates to handle.**

- C7G A Resolution Accepting The Recommendation Of The City Manager To Reject All Proposals Received, Pursuant To Pursuant To Request For Proposals (RFP) No. 2015-176-JR, Elevator Inspection And Plan Review Services.  
(Procurement)

**ACTION: Resolution 2016-29286 adopted. Alex Denis to handle.**

- C7H A Resolution Accepting The Recommendation Of The Finance And Citywide Projects Committee To Adopt A Rental Fee Waiver Grant Program For The Colony Theatre In An Effort To Incentivize Live Theater In Miami Beach, Said Program To Be Funded By The Community Benefit Fund, And Administered By The Tourism, Culture And Economic Development Department Following Review And Recommendation By The Miami Beach Cultural Arts Council.  
(Tourism, Culture & Economic Development)

**ACTION: Resolution 2016-29287 adopted. Max Sklar to handle.**

- C7I A Resolution Approving The Friends Of The Bass Museum, Inc.'s Permanent Placement Within Collins Park Of A Sculpture By Artist Ugo Rondinone Entitled "Mountains," With Such Sculpture Being Accessioned Into The John And Johanna Bass Collection And Maintained By The Friends Of The Bass Museum, Inc., For The Benefit Of The City Of Miami Beach, Florida.  
(Tourism, Culture & Economic Development)

**ACTION: Resolution 2016-29288 adopted. Max Sklar to handle.**

- C7J A Resolution Approving And Authorizing The Administration To Negotiate A Lease Agreement, Consistent With The Essential Terms Set Forth In This Resolution, Between The City Of Miami Beach, As Tenant, And Beach Tower, LLC, As Landlord, For Use Of Approximately 3,349 Rentable Square Feet Of Property, Located At 1688 Meridian Avenue, Suite 801, Miami Beach, Florida, To Be Used As Administrative Offices For The City's Transportation Department; Said Lease Agreement Having An Initial Term Of Sixty-Three (63) Months, Commencing On March 1, 2016, And Ending On May 31, 2021, With Two (2) Three (3) Year Renewal Options, At The City's Option; And Upon Successful Negotiations, Authorizing The Mayor And City Clerk To Execute Said Lease Agreement.  
(Tourism, Culture & Economic Development)

**ACTION: Resolution 2016-29289 adopted. Max Sklar to handle.**

- C7K A Resolution Amending The City's Film And Print Requirements And Guidelines To Exempt Film Permit Requirement For Individual Photographers.  
(Tourism, Culture & Economic Development)

**ACTION: Resolution 2016-29290 adopted. Max Sklar to handle.**

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

- C7L A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 5 To The Professional Services Agreement With Industrial Organizational Solutions, Inc., Dated April 12, 2013; Said Amendment Increasing The Scope Of The Agreement To Provide Additional Testing Services During The Fourth Contract Year For Potential Non-Certified Police Officer Trainees, Certified Police Officers And Fire Fighters, In An Amount Not To Exceed \$69,400.  
(Human Resources)

**ACTION: Resolution 2016-29291 adopted. Sylvia Crespo-Tabak to handle.**

**End of Consent Agenda**

**REGULAR AGENDA**

**R2 - Competitive Bid Reports**

R2A Request For Approval To Issue Request For Proposals (RFP) For Design Build Services For The Construction Of A Stormwater Pump Station; Authorizing The City Manager Or His Designee To Advertise For The Installation Of A Storm Water Pumping Station And Associated Storm Sewer Improvements For North Bay Road, Alton Road And The Entrance To Mount Sinai Hospital.  
(Public Works)

**ACTION:** Item deferred to **February 24, 2016**. Lilia Cardillo to place on the Commission Agenda if received. **Eric Carpenter to handle.**

**R5 - Ordinances**

**10:08:32 a.m.**

R5A Sustainability And Resiliency  
An Ordinance Amending The Land Development Regulations (LDRs) Of The City Code, By Establishing Chapter 133, Entitled "Sustainability And Resiliency;" Establishing Requirements For Green Building Certification As A Requirement During Zoning Review Of New Projects Over A Certain Size ("Eligible Project(s)"); Establishing A Sustainability Fee Program For Projects That Do Not Achieve The Required Green Building Certification Level; Authorizing Property Owners And Developers To Pay A Sustainability Fee, Or, In The Alternative, Post A Bond, In The Amount Of Five Percent (5%) Of The Total Construction Cost For The Eligible Project(s), Into The City's Sustainability Fund, Which Bond Or Funds Are Reimbursable To The Property Owner Or Developer Pursuant To The Level Of Green Building Compliance Achieved By The "Eligible Project"; Establishing A Sustainability And Resiliency Fund For The Deposit Of The Sustainability Fees Generated Through The Sustainability Fee Program, And Providing The Uses For Which The Fees Deposited In The Sustainability And Resiliency Fund Can Be Used; And Repealing Chapter 100, Entitled "Sustainability" As Duplicative And Contradictory To The Sustainability And Resiliency Revisions Of Chapter 133; Providing For Review; Applicability; Codification; Repealer; Severability; And An Effective Date. **10:00 a.m. Second Reading Public Hearing**  
(Sponsored by Commissioner Micky Steinberg)  
(Legislative Tracking: Planning)  
(First Reading on January 13, 2016 - R5K)

**ACTION:** Title of the Ordinance read into the record. **Ordinance 2016-3993 adopted.** Public Hearing held. Motion made by Commissioner Steinberg; seconded by Commissioner Malakoff; Ballot-vote: 7-0. **Thomas Mooney to handle.**

**SECTION 4. APPLICABILITY**

This Ordinance shall not apply to developments that have an approved Order from the Board of Adjustment, Design Review Board, Historic Preservation Board, or Planning Board issued prior to the effective date of this Ordinance, developments that have submitted a complete application for hearing before the Board of Adjustment, Design Review Board, Historic Preservation Board, or Planning Board prior to the effective date of this Ordinance, or developments that have been issued a building permit process number prior to the effective date of this Ordinance.

Commissioner Steinberg stated that changes were made to the Ordinance between first and second reading. This was discussed at two City Commission Committees and the Planning board, and each one passed it unanimously and even made further recommendations to make it a stronger Ordinance.

Rogelio Madan, Principal Planner, explained the changes presented to the Planning Board, which were recommended unanimously. The changes are as follows: **1)** modify the definition of LEED from the most recent edition to an effective edition; when LEED standards are updated there is a six month period to use either the previous standard or the new standard, so this will avoid discrepancies for projects in the pipeline; **2)** clarify titles for Certification Compliance Schedule for alternative green certification standard, which is the International Living Future Institute; **3)** change when the sustainability fee is collected. Previously the fee was collected prior to obtaining a building permit; now the sustainability fee will be collected prior to obtaining a Temporary Certificate of Occupancy, a Certificate of Occupancy or a Certificate of Completion. This makes it easier for financing and allows the development to be certified prior, so there is a possibility that they may not have to pay a fee at all if they have the building certified or a partial fee thereof. **4)** After the Certificate of Occupancy is obtained, there is a year to receive a refund with the ability for a six-month extension. They are recommending this extension to be increased to one year. A request was received to change the applicability standard, which currently applies to any project that received a board order from one of the four land use boards. It is recommended that changes to any project that has submitted a complete application for a board hearing, so that any project that are currently in the pipelines are not negatively impacted.

Commissioner Steinberg added that the goal is to incentivize and not penalize anyone. This came about from the dialogue with Planning and everyone involved.

Raul J. Aguila, City Attorney, stated that Mr. Madan is addressing multiple amendments to the Ordinance, and recommended that in the future that he either distribute the amended Ordinance in the handouts, or that the language be presented for the City Commission to see the amended language.

Mr. Madan explained that the amended Ordinance was included in the Commission Agenda, and the Applicability language had been distributed.

Commissioner Steinberg moved the item; seconded by Commissioner Malakoff.

The following individuals spoke in support of the Ordinance:

Graham Penn

Daniel Ciraldo

Sandra Lee read a letter into the record

Commissioner Arriola is concerned that the additional five percent surcharge fee was going to be no more than a surtax; however, he has data supplied by the Office of the City Manager on what LEED certification costs. He asked for confirmation on this data, because if LEED Certification was in excess of five percent building cost, it is a 20% premium, and in his opinion, they are just imposing a tax. The data received goes anywhere from zero to 2.5% per LEED Certified, to 4.5% for LEED platinum.

Elizabeth Wheaton, Assistant Building Department Director, explained that the cost varies, project by project, and the credits the project chooses to use in order to receive the Certification are particularly when one gets to the higher levels of Platinum Certification. The cost for the registration and review fee for buildings under 50,000 square feet is about \$3,150; for buildings

over 50,000 square feet it is a \$900 registration fee with a 4.5% per square foot fee. For 100,000 square-foot building, that would come out to approximately \$5,400. Based on their research, LEED versus non-LEED buildings, the cost is minimal with the range being anywhere from .3% to 6% additional cost. When projects plan early and identify their desire to be a LEED project, they are able to keep that project within budget by looking at the credits that they are able to achieve within their intended use. She gave samples of credits available.

Mayor Levine stated that this is a milestone and recognized Commissioner Steinberg for bringing this forward.

Commissioner Steinberg thanked her colleagues for supporting this initiative, staff and the development community. At this time, the Planning Department will be submitted for a possible National Planning Award.

Handouts and Reference Materials:

1. Ad 1125 published in The Miami Herald on January 28, 2016.
2. Section 4. Applicability Language

**10:21:43 a.m.**

**SUPPLEMENTAL MATERIAL 2: MEMORANDUM & ORDINANCE**

R5B Required Off Street Loading Spaces

An Ordinance Amending Chapter 130 "Off Street Parking," Article IV, "Off-Street Loading," By Modifying The Requirements For Calculating And Providing Required Loading Spaces For Existing Buildings, Changes In Use And New Construction, Including Enclosed Structures Used For The Storage And Parking Of Vehicles; Providing For Repealer; Severability; Codification; And An Effective Date. **10:05:00 a.m. Second Reading Public Hearing**

(Sponsored by Commissioner Joy Malakoff)

(Legislative Tracking: Planning)

(First Reading on January 13, 2016 - R5L)

**ACTION:** Title of the Ordinance read into the record. **Ordinance 2016-3994 adopted.** Public Hearing held. Motion made by Commissioner Malakoff; seconded by Commissioner Grieco; Ballot-vote: 6-1; Opposed: Commissioner Rosen Gonzalez. **Thomas Mooney to handle.**

Thomas Mooney, Planning Department Director, introduced the item. Per the City Commission's direction, one change was made to remove the ability for waivers on the DRB, and limit waivers to contributing buildings in the Historic District only by the HPB. This modification has been incorporated.

Commissioner Rosen Gonzalez had voted in favor, but later changed her vote to no, because the Parking Department has the final determining factor on the off street loading requirements, and asked why not HPB.

Mr. Mooney explained that HPB will review any project as well as the DRB; the requirement for the Parking Department to review any proposal for on-street loading space, in case an off-street loading space cannot be provided, basically codifies what is done now. Anyone who is doing a change of use in an existing building has to make sure they have an on-street loading space approved by the Parking Department.

Discussion held.

Commissioner Malakoff added that the HPB might waive the requirements for off-street loading spaces for properties containing a contributing structure; this has not been taken away.

Handouts and Reference Materials:

1. Ad 1125 published in The Miami Herald on January 28, 2016.

**10:24:36 a.m.**

R5C An Ordinance Amending Chapter 30 Of The Miami Beach City Code, Entitled "Code Enforcement," By Amending Article II, Entitled "Special Master," By Amending Section 30-37, Entitled "Terms Of Office; Compensation"; By Amending The Compensation Of The Special Master(s); Providing For Codification, Repealer, Severability, And An Effective Date. **10:10 a.m. Second Reading Public Hearing**

(Sponsored by Michael Grieco)  
(Legislative Tracking: Office of the City Attorney)  
(First Reading on January 13, 2016 - R5N)

**ACTION:** Title of the Ordinance read into the record. **Ordinance 2016-3995 adopted.** Public Hearing held. Motion made by Commissioner Grieco; seconded by Vice-Mayor Alemán; Ballot-vote: 7-0. **Office of the City Attorney to handle.**

Raul J. Aguila, City Attorney, stated this is the first increase to the Special Master rate since 1996, and the increase is consistent with prevailing wages charged by Special Masters throughout Miami-Dade County.

Handouts and Reference Materials:

1. Ad 1125 published in The Miami Herald on January 28, 2016.

**10:25:50 a.m.**

**SUPPLEMENTAL MATERIAL 1: MEMORANDUM & ORDINANCE**

R5D An Ordinance Amending Chapter 78 Of The Code Of The City Of Miami Beach, Entitled "Personnel," By Amending Article I, Entitled "In General," By Amending Section 78-2, Entitled "Reserved," To Codify Requirements For Criminal History Record Checks For Certain Municipal Employees, Appointees, Contractors, Employees Of Contractors, And Vendors, In Accordance With State Law; Providing For Repealer, Severability, Codification, And An Effective Date. **10:15:00 a.m. Second Reading Public Hearing**

(Sponsored by Commissioner Michael Grieco)  
(Legislative Tracking: Human Resources)  
(First Reading on January 13, 2016 - R5O)

**ACTION:** Title of the Ordinance read into the record. **Ordinance 2016-3996 adopted.** Public Hearing held. Motion made by Vice-Mayor Alemán; seconded by Commissioner Grieco; Ballot-vote: 7-0. **Sylvia Crespo-Tabak to handle.**

Eve Boutsis, Chief Deputy City Attorney, stated that this is taking language existing in the City's policy and codifying in the Code of Ordinances, as to the criminal background checks. This was a finding/recommendation from the FBI while doing audits of employee records.

Handouts and Reference Materials:

1. Ad 1125 published in The Miami Herald on January 28, 2016.

**10:27:18 a.m.**

R5E An Ordinance Amending Chapter 2 Of The Miami Beach City Code Entitled "Administration," By Amending Article IV, Entitled "Officers And Employees," By Amending Division I, Entitled "Generally," By Amending Section 2-191 Entitled "Enumeration Of Organizational Units," By Creating The Environment And Sustainability Department; And Providing For Repealer, Severability, Codification, And An Effective Date. **10:20 a.m. Second Reading Public Hearing**

(Sponsored by Vice-Mayor John Elizabeth Alemán)

(Legislative Tracking: Human Resources)

(First Reading on January 13, 2016 - R5P)

**ACTION:** Title of the Ordinance read into the record. **Ordinance 2016-3997 adopted.** Public Hearing held. Motion made by Vice-Mayor Alemán; seconded by Commissioner Malakoff; Ballot-vote: 7-0. **Sylvia Crespo-Tabak to handle.**

Sylvia Crespo-Tabak, Human Resources Director, explained that at the last Commission Meeting they asked the City Commission to create a new department; they are here for the second public hearing and the second reading.

Commissioner Malakoff thanked everyone and hopes that the City will complete the comprehensive tree inventory soon, so they can start the reforestation efforts, plant lots of new shade trees and move forward with this.

Handouts and Reference Materials:

1. Ad 1125 published in The Miami Herald on January 28, 2016.

**10:35:17 a.m.**

R5F Amend Ch. 6 - Alcoholic Beverages; And Ch. 142 - Zoning Districts And Alcoholic Beverages

## 1. Chapter 6 - Alcoholic Beverages

An Ordinance Amending Subpart A - General Ordinances, Chapter 6 "Alcoholic Beverages" Of The Code Of The City Of Miami Beach, By Amending Article I, "General Provisions", To Consolidate All Provisions Relating To Alcohol Regulation In One Chapter Of The City Code By Relocating Certain Alcoholic Beverage Establishment Regulations From Chapter 142 And Placing Those Provisions In Chapter 6; Providing For Hours Of Operation; Location And Use Restrictions; Patron Age Restrictions; Minimum Seats And Hotel Rooms Requirements; By Amending Article II, "Conduct," By Modifying And Creating Definitions; Providing For Repealer; Severability; Codification; Exceptions; And An Effective Date.

**10:25:00 a.m. First Reading Public Hearing**

(Sponsored by Commissioner Joy Malakoff)

(Legislative Tracking: Planning)

**ACTION:** Title of the Ordinance read into the record. Item referred to LUDC. **Ordinance adopted on first reading.** Motion made by Commissioner Malakoff to approve the item; seconded by Commissioner Grieco. Ballot vote: 7-0. Second reading, Public Hearing scheduled for **March 9, 2016**. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda, if received. **Thomas Mooney to handle.**

Pursuant to Section 2-13 of the Code, a motion accepting the Land Use and Development Committee's recommendation of this Ordinance was made by Commissioner Malakoff, seconded by Commissioner Grieco; Voice vote: 7-0.

**MOTION TO REFER:**

Referral to Land Use and Development Committee to discuss potential new 5:00 a.m. alcohol businesses in the areas. Motion was made by Commissioner Malakoff; seconded by Commissioner Arriola. Voice vote: 7-0. **Thomas Mooney to place on the Committee agenda and to handle.**

**DIRECTION:**

- ✓ Additional Code Enforcement for 5:00 a.m. alcoholic establishments on 16<sup>th</sup> Street and at Purdy Lounge.
- ✓ Commissioner Grieco will meet with the Sunset Harbour neighbors and come up with a comprehensive plan and reach out to the businesses.

Thomas Mooney, Planning Department Director, explained that at the direction of the City Commission, both Ordinances in Chapters VI and 142 were substantially revised. This is moving language from Chapter 142 to Chapter VI and creating categories within the zoning district; thereby being able to eliminate Section 142-1302 and 1303, which listed all of the districts that could serve alcohol in one section.

Discussion held.

Antonio F. Del Rey has an issue with Section 66, Article A. They are currently going through an application and hopes they can be grandfathered in. This would raise the seat requirement to one that they cannot provide due to the size of their location.

Mr. Mooney clarified that the proposal does not change the number of seats that are currently required; under the current Code they are required to have 36 seats for beer and wine and 60 seats for other alcohol, but this does not change; the requirements are just being relocated to a different section of the Code.

Commissioner Malakoff stated that in the future she would be sponsoring a new Ordinance to help protect specific neighborhoods, such as the West Avenue and the Palm View Historic district; however, this is only a consolidation and does not provide any changes. If her colleagues agree, she would like to propose having specifications for alcohol beverage establishments that are within 100 feet of these residential neighborhoods. This is a next step.

Former Commissioner Nancy Liebman stated that she is not sure how this connects, as there have been many meetings and discussions about alcohol, but nothing is happening; things are staying the same. Because of the lax rules in the City has, the Purdy Lounge "syndrome" is now moving to 16<sup>th</sup> Street. It is not because they are serving alcohol, but because of the lack of enforcement, that happens after hours on these 5:00 a.m. establishments. Neighbors are annoyed with the noise. She suggested Code Enforcement officers to be there after 5:00 a.m., until the Ordinance is drafted. This is happening between Alton Road and West Avenue on the side streets.

Commissioner Malakoff agreed to look at enforcement at the 5:00 a.m. location, and move forward.

Discussion held.

Bruce Turkel stated that Purdy Lounge has been horrendous in the past two weeks; he has spoken to Robert Santos-Alborna, Assistant Code Department Director, and he learned that the officers were required in the morning, but the hours were cut back. He asked if the City could change the closing hours of these establishments.

Raul J. Aguila, City Attorney, explained that those properties are grandfathered in consistent with the Certificate of Occupancy (CO) or Certificate of Use (CU). Once there is a new CO or CU, then the grandfather status is lost. It runs with the CO.

Discussion held.

Mayor Levine asked if someone is violating the law repeatedly, what the procedure is.

City Attorney Aguila explained that in the City's Enforcement laws, there are revocation procedures.

Discussion continued regarding Purdy Lounge.

City Manager Morales added that he is not sure to what extent the establishments can be held responsible for the behavior of their customers out in the public.

Bruce Turkel asked for the possibility of creating an Ordinance as most cities have, where the establishment is responsible for the behavior of the customers. Patrons are on the sidewalks. He asked why the establishments are not held responsible for their patrons' behavior. Mr. Turkel does not think this is an unusual demand.

City Attorney Aguila stated that it is sort of an unusual demand, but he will take direction from the City Commission.

Discussion continued.

Commissioner Arriola suggested sending this issue to Code and requiring the establishment to hire an off-duty Police Officer to keep the neighborhood quite.

Commissioner Grieco stated they have dealt with a similar situation on 3<sup>rd</sup> Street, and they engaged in dialogue with the businesses, which seemed to be the most effective way. The outcome is not perfect, but has improved. It is a challenge. He thinks the legal response they will get is one they do not want to hear.

Nancy Liebman stated that more people are moving in. Some of the areas discussed have been a source of complaints for 20 years and nothing has happened. The Bodega was licensed one year ago and it did not even go to Planning Board; that is how loose this is. West of The Bodega, there are two empty spaces, it will not be empty for long, and that means another neighborhood to be disturbed. Purdy needs help. Patrons are urinating and vomiting in the neighborhood. This needs to be stopped.

Mayor Levine requested to move and pass this item and add additional enforcement on 16<sup>th</sup> Street, and Purdy. He asked if there was consensus to refer the item to NCAC.

Commissioner Grieco stated that there are three or four hot spots where the neighborhood has changed, and he will sit with the Sunset Harbour neighbors and come up with a comprehensive plan. He also suggested reaching out to the businesses, as he thinks they want to be good neighbors.

Commissioner Malakoff stated that it is important to move forward with an alcohol Ordinance that is specifically for those near West Avenue and Palm View, within 100 feet, to restrict to 2:00 a.m. licenses, no alcohol bar counter as discussed and move it forward to LUDC as soon as possible.

**10:52:25:00 a.m.**

Discussion was held regarding the referral to LUDC of potential new 5:00 a.m., alcohol businesses. Motion was made by Commissioner Malakoff; seconded by Commissioner Arriola. Voice vote: 7-0.

Commissioner Rosen Gonzalez thinks they should speak to the neighbors before referring the item to LUDC.

Commissioner Malakoff clarified that she is referring to the empty buildings that could become trouble spots if they have a 5:00 a.m. license and outdoor counters and if they keep clients outside the building rather than inside.

Frank Del Vecchio stated that staff has done a terrific job for more than a year in trying to consolidate alcohol beverage regulations with the Land Development Regulations, as they overlap. The idea at Planning Board and LUDC was not to introduce at this time anything new, such as what is being discussed. This Ordinance is not intended to introduce anything new, but there are four districts where the introduction of hard liquor and beer has been made, which are the convention center, the hospital, marine recreation and the golf course districts.

Mr. Mooney explained that under Section 142-1301 of the current Code, which is proposed to be deleted; alcoholic beverages are permitted in the CCC district, BHD District and I1 District. They are proposing simply to move those from 142-1301 to the individual zoning district. As to golf courses, under 142-1302 under permitted main and accessible uses, it does allow for golf courses and clubhouses to serve alcohol in main permitted and accessory uses. There is no change, only relocation within the Code.

Discussion held.

Alex Heckler, Esq., clarified that at Planning Board there was an alcoholic Ordinance that was voted down, and this is a clean-up Ordinance, which everyone supports to make it clear when reading the Code to know what is applicable and what is not.

Handouts and Reference Materials:

1. Ad 1125 published in The Miami Herald on January 28, 2016.
2. Ad 1127 published in The Miami Herald on January 28, 2016.

**10:56:42 a.m.**

2. Chapter 142 - Zoning Districts And Alcoholic Beverages  
An Ordinance Amending Chapter 142 "Zoning Districts And Regulations;" Article II, "District Regulations," Division 3, "Residential Multifamily Districts" Division 4, "CD-1 Commercial, Low Intensity District" Division 5, "CD-2 Commercial, Medium Intensity District" Division 6, "CD-3 Commercial, High Intensity District" Division 7, "CCC Civic And Convention Center District" Division 8, "GC Golf Course District" Division 9, "GU Government Use District" Division 10, "HD Hospital District" Division 11, "I-1 Light Industrial District" Division 12, "MR Marine Recreation District;" Division 13, "MXE Mixed Use Entertainment District;" Division 16, "WD-1 Waterway District" Division 17, "WD-2 Waterway District" Division 18, "PS Performance Standard District," Division 20 "TC North Beach Town Center Districts," To Delineate All Alcoholic Beverage Establishments As Related Main Permitted, Conditional, And Prohibited Uses By Zoning District; Modifying Chapter 142, Article V, "Specialized Use Regulations," To Delete Division 4, And Section 143-1301, Entitled "Permitted Districts; Striking Alcohol Regulations Relating To Hours Of Operation, Minimum Seat And Hotel Rooms From Chapter 142 "Zoning Districts And Regulations," Article II "District Regulations;" And Modifying Chapter 142, Article V "Special Use Regulations," At Division 4 "Alcoholic Beverages," By Striking Sections 142-1302 And 142-1303; Providing For Repealer; Severability; Codification; Exceptions; And An Effective Date. **10:26 a.m. First Reading Public Hearing**

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

**ACTION:** Title of the Ordinance read into the record. **Ordinance adopted on first reading.** Motion made by Commissioner Malakoff to approve the item; seconded by Commissioner Grieco. Ballot vote: 7-0. Second reading, Public Hearing scheduled for **March 9, 2016.** Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda, if received. **Thomas Mooney to handle.**

Pursuant to Section 2-13 of the Code, a motion accepting the Land Use and Development Committee's recommendation of this Ordinance was made by Commissioner Malakoff, seconded by Commissioner Steinberg; Voice vote: 7-0.

**REFERRAL:**

Land Use and Development Committee

Frank Del Vecchio spoke.

Commissioner Malakoff moved to refer the item to the LUDC; seconded by Commissioner Steinberg; Voice vote: 7-0. **Thomas Mooney to place on the Committee agenda and to handle.**

Handouts and Reference Materials:

1. Ad 1125 published in The Miami Herald on January 28, 2016.
2. Ad 1127 published in The Miami Herald on January 28, 2016.

**09:28:13 a.m.**

R5G An Ordinance Amending The Code Of The City Of Miami Beach, Subpart B, Entitled "Land Development Regulations," Of Chapter 142, Entitled "Zoning Districts And Regulations," By Amending Division 2, Entitled "Accessory Uses"; By Amending Section 142-905, Entitled "Permitted Accessory Uses In Single-Family Districts," By Amending Subsection (b)(5)a. Which Increases The Monetary Fines For Violations Of Subsection 142-905(b)(5), And Requiring Notification To Be Remitted To The Miami-Dade Tax Collector And Property Appraiser By The Code Compliance Director, By Establishing A Rebuttable Presumption For Advertising And Advertisement Evidence; And Creating Subsection (b)(5)b, Entitled "Enhancement Penalties," Which Establishes Enhanced Penalties For Violations Of Subsection (b)(5); By Amending Article IV, Entitled "Supplementary District Regulations," By Amending Division 3, Entitled "Supplementary Use Regulations," By Amending Section 142-1111, Entitled "Short-Term Rental Of Apartment Units Or Townhomes," By Amending Subsection (d) Which Increases The Monetary Fines For Violations Of Subsection 142-1111(a), And Requiring Notification To Be Remitted To The Miami-Dade Tax Collector And Property Appraiser By The Code Compliance Director, By Establishing A Rebuttable Presumption For Advertising And Advertisement Evidence; And Creating Subsection (d)(5), Entitled "Enhanced Penalties," Which Establishes Enhanced Penalties For Violations Of Subsection 142-1111(a); And Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading**

(Sponsored by Mayor Philip Levine and  
Co-Sponsored by Vice-Mayor John Elizabeth Alemán  
(Legislative Tracking: Office of the City Attorney)  
(Continued from January 13, 2015 - R5S)

**ACTION:** Title of the Ordinance read into the record. **Ordinance adopted on first reading.** Motion made by Commissioner Steinberg to approve the item; seconded by Vice-Mayor Alemán. Ballot vote: 7-0. Second reading, public hearing scheduled for **March 9, 2016**. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda, if received. **Office of the City Attorney to handle.**

**REFERRAL:**

The amendments to the Land Development Regulations must be presented to the Planning Board. Motion was made by Commissioner Steinberg, seconded by Vice-Mayor Alemán to refer the item to the board. Voice vote: 7-0. **Thomas Mooney to place on the board agenda and to handle.**

Aleksandr Boksner, First Assistant City Attorney, introduced the item, which is an amendment to Section 142.905 dealing with Single Family Homes and Section 142.1111, which are multifamily homes. These Ordinance amendments are for transient rentals, and increase the monetary fines

as requested by Mayor Levine to a substantial higher amount. First offense is \$20,000; final offense is \$100,000, with increments of \$20,000. As a requirement, it also requires notification when there is an established violation before the Special Master to address homestead exemption issues. They created a rebuttable presumption component where the violator will be required to overcome the rebuttable presumption, if there is in fact advertisement evidence established for this specific single or multifamily unit. As a further consequence, there is enhanced penalty provision, which will take effect upon the second offense, including all accessory building structures that exceed 5,000 total square feet, a Special Master would be required to impose an additional fine of up to \$25,000 for a second and subsequent offense; thereby the second offense being \$65,000 for the violation. There is an added requirement that any fines recorded against the public property itself, thereby allowing to foreclose on this; this applies to single-family homes and they think it is the best mechanism to address some of the transient rentals occurring in single family and multifamily homes. Their legal recommendation is that enforcement be accomplished as a result of complaint driven for this specific matter, versus a proactive search. This is important to address the sufficiency of the investigation that is being handled by the Code Compliance Department, and ensuring the City has a solid case, once is presented in front of the Special Master. He recommends that the policy be that these be complaint drive.

Vice-Mayor Alemán stated that transient rentals can be unpleasant, extremely disruptive, and diminish the quality of life. With these added recommendations, they have an Ordinance with "teeth." A \$1,500 fine for these rentals is cost of doing business and is not a fine that would sway someone from repeating this. The new figures are a deterrent and she is in support. The complaint driven process can take some time for the City to complete the cases, but she encouraged residents to keep filing the complaints each time a situation is observed, as the City needs residents to play that role to handle enforcing this.

Commissioner Arriola stated that at times is hard to gather evidence; and asked if they would consider a whistle blower type of reward.

Mr. Boksner recommended that there should not be an incentive for complaining against a neighbor, as it has the potential to create enormous problems for the elected official, as it becomes a neighbor dispute. They have experienced this in the years past and this has never worked well for the City.

In answering Commissioner Arriola's question on the gathering of evidence necessary to enforce the Ordinance, Mr. Boksner stated that if there is a complaint of transient rental with single or multifamily home, an investigation will be conducted, and research will be done to see whether or not there has been advertisement for the specific property receiving the complaint. He added that with this new language and the creation of rebuttal of presumption, it will then force the violator to rebut that rebuttable presumption, so the City will have evidence established, as they are all advertised, and that evidence will be presented to the Special Master, and it will be the responsibility to the violator, to establish that they are not in violation of the City's Ordinance.

Commissioner Rosen Gonzalez requested sending a letter notifying previous violators of new fines.

Discussion held.

Vice-Mayor Alemán asked if these complaints can be submitted to the City anonymously.

Mr. Boksner answered in the affirmative and stated that they asked the City Commission to refer this to the Planning Board to review the land development regulations at the February 24, 2016 board meeting. This has been already advertised, with a second reading in March.

Mayor Levine stated that if in three months there is something to add to the Ordinance, they can do so, but this is an improvement.

Commissioner Arriola suggested having the money go to the PAL.

Discussion held.

Clerk's Note: See also item R5J.

**11:07:17 a.m.**

R5H Consolidation Of Notification Procedures For Single Family Home Determination Of Architectural Significance

An Ordinance Striking The Remaining Notice Provisions Contained Within Chapter 142, Entitled "Zoning Districts And Regulations", At Section 142-108, Entitled "Provisions For The Demolition Of Single-Family Homes Located Outside Of Historic Districts" In Order To Ensure Consolidation Of All Notice Provisions In New Section 118-8 Entitled "Notification Procedures;" By Amending Section 142-108 To Cross-Reference With Section 118-8; And By Amending Section 118-8 To Include Notice Requirements For Administrative Decisions Requiring Review; Providing For Repealer; Severability; Codification; And An Effective Date. **First Reading**

(Sponsored by Commissioner Michael Grieco)

(Legislative Tracking: Planning)

**ACTION:** Title of the Ordinance read into the record. **Ordinance adopted on first reading.** Motion made by Commissioner Malakoff to approve the item; seconded by Commissioner Rosen Gonzalez. Ballot vote: 7-0. Second reading, public hearing scheduled for **March 9, 2016**. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda, if received. **Thomas Mooney to handle.**

**MOTION TO REFER TO PLANNING BOARD:**

Motion was made by Commissioner Grieco, seconded by Commissioner Steinberg to refer the item to the Planning Board. Voice vote: 7-0. **Thomas Mooney to place on the board agenda and to handle.**

Commissioner Rosen Gonzalez asked for better understanding regarding the demolition process, and asked if this Ordinance removes the requirement for a public hearing.

Thomas Mooney, Planning Department Director, explained that in December, the City Commission adopted on second reading a comprehensive Ordinance pertaining to the standardization of notice procedures, and the one thing left out in error was a standardization of a notice requirement for a determination of architectural significance. He gave examples of instances and the process. He clarified that the process is not changing. The only thing changing is that the notice was a ten-day notice, and now it becomes a 30-day notice.

Discussion held.

**11:09:50 a.m.**

R5I An Ordinance Amending Chapter 2 Of The Code Of The City Of Miami Beach, Entitled "Administration," By Amending Article III, Entitled "Agencies, Boards And Committees," By Amending Division 11, Entitled "Committee On The Homeless," By Amending And Updating The Provisions Regarding The Composition, Knowledge, And Experience Of Board Members, And City Departmental Support; And Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading**

(Sponsored by Vice-Mayor John Elizabeth Alemán  
(Legislative Tracking: Housing & Community Services)

**ACTION:** Title of the Ordinance read into the record. **Ordinance adopted on first reading.** Motion made by Vice-Mayor Alemán to approve the item; seconded by Commissioner Steinberg. Ballot vote: 7-0. Second reading, public hearing scheduled for **March 9, 2016**. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda, if received. **Maria Ruiz to handle.**

Vice-Mayor Alemán stated that the City Commission had unanimously accepted the recommendations of the Committee on the Homeless at the January Commission Meeting. One of the suggestions creates a position on the Committee for someone from the Police Department. This will help ensure that the recommendations made by that Committee have the benefit of an active member of the Police Department who can talk to his peers and provide other context, and provide strategies and direction of the Police Department so that they are well understood.

Commissioner Rosen Gonzalez thinks it is a great idea, and this will facilitate communication.

**9:38:53 a.m.**

R5J An Ordinance Amending The Code Of The City Of Miami Beach, Subpart B, Entitled "Land Development Regulations," Of Chapter 142, Entitled "Zoning Districts And Regulations," By Amending Article II, Entitled "District Regulations," By Amending Division 2, Entitled "RS-1, RS-2, RS-3, RS-4 Single-Family Residential Districts," By Amending Section 142-109, Entitled "Commercial Use Of Single-Family Homes Prohibited," By Amending Subsection (c)(1)b, Requiring An Owner Or Resident To Submit An Affidavit To The City Manager Identifying The Limited Commercial Use At The Residential Property; By Amending Subsection (d) That Requires Notification To Be Remitted To The Tax Collector And Property Appraiser By The Code Compliance Director, And Establishing A Rebuttable Presumption Standard For Advertising And Advertisement Evidence, And Increasing Those Monetary Fines For Violations Of Section 142-109; By Creating Subsection (f), Entitled "Enhanced Penalties," Which Establishes Enhanced Penalties For Violations Of Section 142-109; And Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading**

(Sponsored by Mayor Philip Levine and  
Co-Sponsored by Vice-Mayor John Elizabeth Alemán  
(Legislative Tracking: Office of the City Attorney)

**ACTION:** Title of the Ordinance read into the record. **Ordinance adopted on first reading.** Motion made by Vice-Mayor Alemán to approve the item; seconded by Commissioner Arriola. Ballot vote: 7-0. Second reading, public hearing scheduled for **March 9, 2016**. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda, if received. **Office of the City Attorney to handle.**

**MOTION TO REFER TO PLANNING BOARD:**

The amendments to the Land Development Regulations must be presented to the Planning Board. Motion was made by Commissioner Malakoff, seconded by Commissioner Steinberg to refer the item to the Planning Board. Voice vote: 7-0. **Thomas Mooney to place on the board agenda and to handle.**

Aleksandr Boksner, First Assistant City Attorney, explained that this is an amendment to Section 142-109. This is essentially what Mayor Levine has identified before as the party house type Ordinance; this prohibits the commercial use and specifically identifies the limited and prohibited uses for single-family homes; this only applies to single-family homes. The operative amendments require an affidavit to be submitted. Under Florida and Federal laws there is limited commercial use that is permitted by way of charitable or legitimate charitable organization; even political activity. Those are permitted. However, over the years some people have misrepresented that information to the City. This will hopefully alleviate that issue and require that an affidavit be submitted to the City Manager with 72 hours before the event. That specifically sets forth the limited commercial use to ensure that the representation by the property owner is legitimate. In conjunction with that specific addition, there is an enhanced monetary fine. First offense is \$25,000, and anything beyond the fourth offense is \$100,000 within an 18-month period. It is also requires the Code Compliance Director to notify the Property Appraiser and Tax Collector because commercial use in the single family dwelling will essentially be used to defeat the homestead exemption, and also the rebuttable presumption for the advertisement. In conjunction with those penalties, there is an enhanced penalties provision; is the same as the previous Ordinance (R5G), except that the fine will be \$50,000 versus \$25,000, meaning that if there is a second violation the total monetary fine will be \$100,000 if the events are within 18 months of the first violation. The Office of the City Attorney recommends that enforcement be done proactively for these commercial events. They have an enormous impact in residential neighborhoods like parking issues and noise violations component, not to mention the devastating effect to the neighboring properties. They have found this to be more problematic in the sense of the adverse impacts and it is better to address these proactively due to the nature of these events.

Discussion held regarding notification of legitimate versus illegitimate party houses.

City Manager Morales stated that the Administration is working with Code and the Office of the City Attorney, and the problem now is that they do not find out until the last minute, but with this new language, they will have the opportune time to evaluate the situation to see whether or not is legitimate.

Commissioner Grieco stated that there is a distinction between the selling of tickets and events, and asked what happens if there is an event where tickets are not being sold and is a promotional event for commercial purposes.

Mr. Boksner answered that this would be subject to enforcement, as they are renting the house and are sponsored by a commercial entity. He gave a sample of a similar commercial event and added that this would be examined on a case-by-case basis.

Discussion continued regarding different scenarios of commercial and non-commercial house rentals.

Mayor Levine stated that additional language will be added between first and second reading.

Discussion continued.

**R7 - Resolutions****11:01:08 a.m.**

R7A A Resolution Adopting The Third Amendment To The Capital Budget For Fiscal Year 2015/16.

**10:30 a.m. Public Hearing**

(Budget &amp; Performance Improvement)

**ACTION:** Title of the Resolution read into the record. Public Hearing held. **Resolution 2016-29292** adopted. Motion by Vice-Mayor Alemán, seconded by Commissioner Arriola. Voice-vote: 7-0. **John Woodruff to handle.**

John Woodruff, Budget Director introduced the item. This is the third amendment to the Capital Budget and reflects changes to five projects. The first project is a change from the January 13 Commission meeting to address all the lighting needs in the area of Bayshore Neighborhood Bid Package D, the Lower North Bay Road project. The Second item is also from the January 13 Commission meeting, to add \$250,000 to address the HVAC issues at the UNIDAD North Beach Senior Center. The third item is from the January 27 Commission meeting, for the Sunset Drive water main replacement project. The fourth item has to do with the renewal/replacement project of the Sanitation Department facility; the City has received a higher quote for that work, and this adds the necessary funds. The fifth and final project is for item R7M on today's agenda, for the harmonizing of Dade Boulevard with the new West Avenue Bridge.

Commissioner Steinberg cautioned everybody that, although these budget items are important, and the Commission needs to amend the budget in order to get them done, she does not want the City to have a rolling budget. Commissioner Steinberg does not want to continue amending the budget with significant changes every month. The City Commission works hard during budget time to put a good budget together, and the Commission receives a great deal of input from many people to develop the final budget, and to change the budget every month makes it a rolling budget.

Commissioner Grieco agrees with Commissioner Steinberg. Commissioner Grieco cautioned that the Commission might not be paying enough scrutiny to these budget amendments. He does not know how much the City is sharpening its pencils. For instance, this amendment includes a \$1.4 million for lighting upgrade; originally, the Commission budgeted \$400,000 for lighting for a specific neighborhood, and then magically it turned into a \$1.1 million budget item. How does this happen? Did lights become more expensive over the last six months?

City Manager Jimmy L. Morales explained that at the last Commission meeting, the Administration had budgeted the minimum lighting to replace what was already there for the Lower North Bay Road project.

Vice-Mayor Alemán stated that \$400,000 was for infrastructure, and did not include the entire fixtures.

David Martinez, CIP Director, stated that when this was brought up at the last Commission meeting, the projected cost was \$1.5 million. The Public Works Department has a line item for lighting that is divided for the three districts in the City. That was the money that was available, and that is how the \$400,000 came about. The total estimated construction costs were always \$1.5 million; and that was clearly stated in the documentation at the time the item was before the Commission. That is the probable cost. There is no design at this time. This is the estimate based on what the lighting and the system typically would cost.

Commissioner Rosen Gonzalez wants to make sure that with the projects that are approved by the City Commission, there are no more increases. This goes back to better planning from the beginning.

Commissioner Grieco wants to caution everybody on the dais, especially as they enter budget season. It is not like there is a money tree growing out from several spots. The City is blessed with a fine economy, but the markets are going down and we need to be prepared that at some point we have to tighten the belt a little bit. We are not made of money, and it is the taxpayer's dollar and we need to be cautious going into budget season that we are not throwing the money around just because somebody gives us a packet and tells us that is what it costs. There are only a handful of contractors out there, and he guarantees that we can always sharpen our pencil. More contractors have to be brought in to work for the City.

Vice-Mayor Alemán stated that she appreciates the comments from her colleagues about fiduciary responsibility and she shares those thoughts fully. In addition, the Lower North Bay Homeowners Association took her and others on a walking tour of their neighborhood, and they expressed concerns for safety in the neighborhood that would be improved by this lighting; the Police Department confirmed it. These neighbors are going to benefit from these improvement and they will be grateful.

City Manager Morales added that of the \$3.6 million changes, \$2.2 million of that is going to come from the County. The largest percentage is the Dade Boulevard project, and the City will be reimbursed from the GPA by the County. The City is doing the work, so it is done timely.

Commissioner Arriola, added that in addition the Dade Boulevard money that will ultimately be paid by the County, there is also the HVAC unit at the UNIDAD Senior Center. The Commission has been told that the City will be reimbursed for that under warranty insurance.

City Manager Morales explained that the City would go after the contractor to be reimbursed for the HVAC costs. However, the City will do the work up front.

City Attorney Raul J. Aguila explained that a warranty claim had been submitted.

#### Handouts and Reference Materials:

1. Ad 1125 published in The Miami Herald on January 28, 2016.

#### 11:12:17 a. m.

R7B A Resolution Authorizing The City Manager To Approve And Execute A Work Order With Shiff Construction And Development, Inc., In The Not To Exceed Amount Of \$800,838, For The Construction Of A New Restroom/Office Facility For The Flamingo Park Master Plan Project, Utilizing The Competitively Bid National Joint Powers Alliance (NJPA) Cooperative Contract; Also Including A Ten Percent Owner's Contingency, In The Amount Of \$80,084, For A Total Of \$880,922.

(Capital Improvement Projects)

**ACTION: Resolution 2016-29293 adopted.** Motion by Commissioner Malakoff, seconded by Vice-Mayor Alemán. Voice-vote: 7-0. **David Martinez to handle.**

David Martinez, CIP Director, introduced the item. He is seeking authorization to proceed with a work order through the indefinite-quantity contract process, to construct a restroom and associated parks offices and storage space at Flamingo Park. Currently the existing bathroom

has been boarded up for some time. This restroom facility services the northern part of the park, so we are looking to proceed with this. They are seeking \$800,838 for the bathroom facility, with a contingency amount \$80,084.

City Manager Jimmy L. Morales explained that it would also have parks employee offices in the same building.

David Martinez explained that this is a combination restroom facility attached to a separate facility for Parks to manage the park system.

**11:13:23 a.m.**

R7C A Resolution Respectfully Urging Florida Governor Rick Scott To Join World And Local Leaders In Recognizing The Findings Of The World's Scientific Community With Regard To Climate Change And Its Current Impacts And Future Implications For The World And The State Of Florida.

(Sponsored by Commissioner Kristen Rosen Gonzalez)  
(Legislative Tracking: Office of the City Attorney)

**ACTION: Resolution 2016-29294 adopted.** Motion by Commissioner Arriola, seconded by Vice-Mayor Alemán. Voice-vote: 7-0. **Office of the City Attorney to handle. Office of the City Clerk to mail resolution to Governor Scott.**

Commissioner Rosen Gonzalez introduced the item. Given that they just created the Environmental and Sustainability Department, and approved such programs as LEED certification, electric cars charging stations, and sea level rise, she feels that the City of Miami Beach needs to send a strong unified message that the State government needs to recognize climate change and create more awareness. Commissioner Rosen Gonzalez would like Governor Scott to know that Miami Beach is upset.

**11:14:24 a.m.**

R7D A Resolution Reappointing John C. Dellagloria, Esq. To Serve As A Special Master For Appeals Of Decisions Of The City's Historic Preservation Board For A One Year Period, Ending March 10, 2017 With Renewal Options, And Setting The Compensation At \$150.00, Per Hour, With A Maximum Payment Of \$750.00, Per Case.

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

**ACTION: Resolution 2016-29295 adopted.** Motion by Commissioner Malakoff, seconded by Commissioner Grieco. Voice-vote: 7-0. **Offices of the City Clerk and City Attorney to handle.**

Raul J. Aguila, City Attorney, introduced the item. John C. Dellagloria, Esq., is currently the only Special Master for appeals of decisions of the City's Historic Preservation Board, as Mr. Bittner has moved out of State.

**11:15:21 a.m.**

R7E A Resolution Approving And Authorizing The Administration To Submit The Draft 2016 Beachfront Management Plan, Except Exhibit D, Entitled "Concession Operations Rules & Regulations," Which Is Currently Under Review By The Neighborhood/Community Affairs Committee, To The State Of Florida Department Of Environmental Protection, Division Of State Lands.

(Environment & Sustainability)

**ACTION: Resolution 2016-29296 adopted.** Motion by Commissioner Arriola, seconded by Vice-Mayor Alemán. Voice-vote: 7-0. **Elizabeth Wheaton to handle.**

Margarita Wells, Environmental Resources Manager, introduced the item and presented the draft of the Beachfront Management Plan. She explained that the City leases the beaches from the State of Florida, and it is required by Florida Statutes to update the Beachfront Management Plan with information on operations, all of the management activities, and everything from beach concession to dune management strategy. The Plan before the Commission is the ten-year update, and includes everything, except for the concessioner rules and regulations, which are still being debated and discussed locally. The City has received permission from the State of Florida to submit this document without that particular exhibit, which will then come before the City Commission for approval before it is submitted and amended to this draft; but the Administration wanted to keep all the rest of the document moving through the process.

Commissioner Rosen Gonzalez asked what the controversy about the buffer zones is; and can that be deferred as well.

Margarita Wells explained that the buffer zones are part of the of the concessioner rules, which are being deferred.

**10:29:13 a.m.**

R7F A Resolution Consenting To The Appointment Of Elizabeth Wheaton As The Director Of The Environment And Sustainability Department For The City Of Miami Beach.

(Human Resources)

**ACTION: Resolution 2016-29297 adopted as amended.** Motion by Commissioner Grieco, seconded by Commissioner Malakoff. Voice-vote: 7-0. **Sylvia Crespo-Tabak to handle.**

**Amendment:**

Appointment effective as of February 20, 2016

Sylvia Crespo-Tabak, Human Resources Director, explained that the resolution contained a scrivener's error, as it states that Ms. Wheaton will become the Director of the Environment and Sustainability Department effectively immediately. However, as the Ordinance creating the Department was adopted today (See item R5E), and City ordinances do not become effective until passage of ten days, this appointment will become effective in 10 days.

City Manager Morales added that Ms. Wheaton has been playing the role of the de facto Department head for the last two years, and has put together a phenomenal team. She is the right person to lead the Department. City Manager introduced Ms. Wheaton.

Elizabeth Wheaton thanked the City Commission for their leadership in creating this Department and for their vote of confidence in her. She read a note into the record. She thanked City

Manager Morales and his team. With Assistant City Manager Susy Torriente at the helm, she will continue her efforts and move forward. Ms. Wheaton also thanked Margarita Wells, Flavia Tonioli, Mark Williams, Yari Pineda and others.

Mayor Levine stated that Jimmy Morales has the ability to recognize talent, and this is a perfect example.

Commissioner Grieco, as the former Chair of the Sustainability and Resiliency Committee, has worked with Ms. Wheaton and her team, and the team has changed the way that people think about their City.

**11:16:52 a.m.**

R7G A Resolution Authorizing The City Manager To Issue A Request For Proposals (RFP) For Eligible Public Service, Housing, And Capital Activities To Be Funded From The City Of Miami Beach Fiscal Year 2016/2017 Community Development Block Grant (CDBG) And Home Investment Partnerships (HOME) Entitlement Allocations From The U.S. Department Of Housing And Urban Development (HUD).

(Housing & Community Services)

**ACTION: Resolution 2016-29298 adopted.** Motion by Vice-Mayor Alemán, seconded by Commissioner Arriola. Voice-vote: 7-0. **Maria Ruiz to handle.**

Richard Bowman, Office of Housing and Community Services, is requesting authorization for the release of the RFP, soliciting eligible activities for the use of CDBG and HOME funds for the 2016/2017 Fiscal Year, which starts October 1. This is the first step in their extensive plan, which is why they have started so early. He additionally pointed out that on Page 866 of the Commission Agenda there needs to be a correction of the dates for the 30-day comment period and submission for the City Commission approval. The 30-day comment period should be May 5, and the submission for approval should be June 8; that will match up the HOME solicitation with the CDBG solicitation.

**11:18:29 a.m.**

R7H A Resolution Approving The Amendment Of The Citizen Participation Plan In The Form Attached To This Resolution, To Conform With Federal Regulations And Miami Beach Ordinance No. 2014-3841; Which Amended Citizen Participation Plan Includes, Among Other Clarifications, The Addition Of The Assessment Of Fair Housing, To Be Included With The Consolidated Plan, The Annual Action Plan, And The Performance Report; And Further Clarifying The Criteria Which Would Trigger A Substantial Review Of The Assessment Of Fair Housing Or A Substantial Amendment To The Consolidated Plan Or The Annual Action Plan.

(Housing & Community Services)

**ACTION: Resolution 2016-29299 adopted.** Motion by Commissioner Steinberg, seconded by Commissioner Malakoff. Voice-vote: 7-0. **Maria Ruiz to handle.**

Richard Bowman, Office of Housing and Community Services, stated that part of the process of the RFP referred to in item R7G, was for them to be in compliance with HUD regulations, that require them to have a certain level of citizen participation. Their current citizen participation plan was originally developed in 1978. It has been amended multiple times, with the most recent being in 2001. They are now taking this opportunity to be in compliance with HUD's requirements, and provide details of citizen participation.

**11:18:06 a.m.**

R71 A Resolution Approving And Authorizing The City Manager To Take The Following Actions: (1) Recapture \$188,874.19 Of Community Development Block Grant (CDBG) Funds, Which CDBG Funds Were Previously Allocated Pursuant To The Action Plans For Fiscal Years From 2009 Through 2011, Action Plans For Fiscal Years From 2013 Through 2015, And The FY 2013 Through 2017 Consolidated Plan; And Reallocate Said CDBG Funds, As Follows: (A) \$16,434.45 To The City's Homeless Outreach Team For Public Services And (B) \$172,439.74 To The City's Housing And Community Services Department For A Capital Project; (2) Reassign \$25,000 From FY 15/16 CDBG Funds To The City For Homeless Services; And (3) Reallocate \$73,577.24 Of CDBG Funds Previously Allocated From FY 2011/2012 To FY 2014/2015; Authorizing City Manager To Submit The Requisite Revised Action Plans And Consolidated Plan To HUD; And Authorizing The Mayor And City Clerk To Execute Agreements For Sub-Recipients; And Further Authorizing The City Manager To Execute City Interdepartmental Agreements.  
(Housing & Community Services)

**ACTION: Item deferred.** Motion by Commissioner Rosen Gonzalez to defer the item to the next Commission Meeting on **March 9, 2016**, seconded by Commissioner Grieco. Voice-vote: 7-0. Lilia Cardillo to place on the Commission Agenda if received. **Maria Ruiz to handle.**

Richard Bowman, Office of Housing & Community Services, introduced the item. They are asking for the City Commission's approval to recapture funds that were not expended by several of the sub-recipient agencies that they allocated funds to other appropriate activities. They would like to allocate funds to affordable housing properties that they acquired that are in need of substantial repairs. He detailed how the funds would be used for repairs, and added that some of the funds will be used for homeless outreach.

Commissioner Rosen Gonzalez stated that the City is in the process of taking over the Allen building. The Allen building recently raised its rent beyond what the elderly residents can afford and they now risk becoming homeless. She would like to use the non-expended funds to subsidize the credit on the Allen building.

Mr. Bowman stated that they are limited by HUD regulations, and to provide that type of funding for rent will be a violation of those regulations. There are some possibilities to provide funding, but they will be limited to the HUD definition of emergency, and it would also exceed the timeframe. If the assistance does not meet HUD's definition of emergency, the maximum amount of funds that could be provided would be for three months. He added that if it did meet HUD's definition of emergency, the funds would have to go through the citizen participation plan, and be approved.

Commissioner Rosen Gonzalez asked if they could begin the process now, because three months of assistance is better than no assistance. She stated that the City Manager mentioned that the City could assist with an extra month, giving the residents an assistance of four months.

City Manager Morales stated that they could not use the funds at all for this effort, unless they declare it an emergency.

Commissioner Rosen Gonzalez reiterated that this is an emergency situation. There are several seniors in the Allen building who are over 80 years old, and are receiving approximately \$733 per month, and yet their rent has increased from \$300 to \$500 per month. This is a crisis, and the City is responsible for these residents.

Mr. Bowman stated that even if they started the process of identifying it as an emergency situation, they would still need to make the funds available to all other entities, not just the Allen building.

Discussion continued.

Tatiana Escobar, CDBG Coordinator, clarified that the City currently offers a one-month rental assistance as part of the emergency services program through the office of Community Services. This program is currently available to everyone who actually needs it. An emergency does not need to be declared to apply those funds. There may be limitations in terms of timing, and they will not be able to provide assistance beyond three months. Trying to recapture the new reallocation of the funds all over again will delay the process longer than four months.

Commissioner Rosen Gonzalez stated that anything the City can do to help would be appreciated while they are being relocated.

Mayor Levine asked if anyone on the City Commission would like to move the item as-is.

Commissioner Arriola expressed his agreement with Commissioner Rosen Gonzalez's efforts, and stated that the seniors will not be displaced, and they will try to find a solution to this problem.

City Manager Morales stated that the Allen not the only building the Miami Beach Community Development Corporation (CDC) raised rent on. The issue is that if the funds were made available, they cannot be used exclusively for the Allen, they would have to be used for all of the CDBG buildings, and he is currently unaware of how many buildings that may be in total. He suggested having this item return later, so that he can provide more information to the City Commission.

Commissioner Rosen Gonzalez asked for the City to develop criteria to identify the most severe cases, and assist them first.

City Manager Morales stated that the Allen is does not belong to the City. They are in the process of purchasing the building, but there have been some issues they are trying to resolve.

Discussion held.

Commissioner Grieco asked to have this item deferred so that everyone on the City Commission could be better informed. He is familiar with the process, and acknowledged that what the City Staff has been presenting them is accurate, and the City needs to be careful on how it handles this situation, because there is much more that the government can do other than providing checks to people. As a local government, the City will do everything it can to help these people, but if the funds are not allocated appropriately, they can be taken away.

Commissioner Rosen Gonzalez agreed, and moved to defer the item to the March 9, 2016 City Commission Meeting.

**09:20:46 a.m.**

**SUPPLEMENTAL MATERIAL 1: MEMORANDUM & RESOLUTION**

R7J A Resolution Approving And Authorizing The Mayor And City Clerk To Execute The Second Amendment To Lease Agreement With The Miami Beach Police Athletic League, Inc. (PAL), Substantially In The Form Attached To This Resolution, Relating To The Building Located At 999 11<sup>th</sup> Street (Premises); Said Amendment Establishing The Permitted Uses Under The Lease; Clarifying And Establishing Terms Relating To The Shared Use Of The Premises By The City And PAL; Clarifying The Operational, Management, And Maintenance Obligations With Respect To The Shared Use Of The Premises; Providing PAL With A \$1.00 Per Hour Of The Off-Duty Police Surcharge During The Term Of The Lease; And Further Extending The Lease Agreement Term For An Additional Two (2) Years, Through And Including June 30, 2025.

(Police)

(Deferred from January 13, 2016 - R7G)

**ACTION: Resolution 2016-29300 adopted as amended.** Motion by Commissioner Malakoff, seconded by Commissioner Steinberg. Voice-vote: 6-0; Absent: Commissioner Grieco. **Police Chief Daniel Oates to handle.**

**Amendment:**

Prior utilities shared are to be credited; the total is \$77,949.50, not \$77,468.54; the difference to go back towards the adjustment to the second amendment.

**Recommendation:**

Add a variety of sport teams for the children

Chief Daniel Oates stated that the City has been in dialogue with PAL regarding the future of the PAL and the building. There are a host of issues brought to this City Commission's attention and the City Manager and the City team was challenged with mapping a new future for the PAL. This agreement, which is the result of excellent negotiations with PAL Board members, includes the commitment for the City to make needed repairs to the building; and for PAL to have a new management staff including hiring an Executive Director with nonprofit and fundraising experience. The City commits to transition to full time Youth Programming the PAL part time position of Officer Anthony Martineau. The City commits to make all necessary repairs, and they agree to share of utilities cost.

City Manager Morales added that it also includes the restoration of the dollar surcharge, which is full revenue for the on-duty officer for PAL.

Giselle Torres, Senior Assistant City Attorney, stated that the prior utilities shared are being provided credit for. The total is \$77,949.50, not \$77,468.54. It is a small difference, but it goes back towards the adjustment to the second amendment.

Luis Salom stated that like the City Manager and himself, they started the PAL program, it kept them off the streets and made them what they are today. He commended the Police Chief for their dedication and support. He encouraged the City Commission to continue to move forward and support PAL, as they are a pillar of this community.

Robert Asheroff added that he has been part of this organization for 30 years, 20 of it as a volunteer and later as member of the Executive Board. He urged the City Commission to make this program bigger and better.

Commissioner Malakoff recognized everyone that worked on this project and called the attention of the PAL to the part of the agreement regarding *“children and youth programming take precedent over any adult programming,”* and suggested adding a variety of sport teams for the children.

Police Chief Oates stated that this is a new ten-year agreement, and the goal for the PAL and the City is to discuss a longer-term agreement, which requires a voter referendum. The Board is interested in a longer commitment. They are excited to have a new Executive Director that will come up with a business plan for the future. One of the byproducts is that they will be conducting more fundraisers, and adding more activities and more opportunities for the Police Department to interact with the youth.

Vice-Mayor Alemán thanked staff for their efforts in preventing juvenile crime.

Chief Oates thanked Gisela Torres, Senior Assistant City Attorney, for her assistance.

Mayor Levine thanked Chief Oates and thinks it is a great opportunity.

**11:32:55:00 a.m.**

**SUPPLEMENTAL MATERIAL 1: MEMORANDUM & RESOLUTION**

R7K A Resolution Authorizing The City Manager To Enter Into Eight (8) Consent Orders With The State Of Florida Department Of Health For Noticed Permit Violations Dating Back To 2012, Associated With City Water Systems Being Placed Into Service Without The State Of Florida, Department Of Health Approval Or State Clearance In Violation Of 62-555.345, F.A.C., And 403.121(3) (a), Florida Statutes; And Authorizing The City Manager To Execute The Eight (8) Consent Orders Attached Hereto As Exhibit 1, For A Total Cost Of \$31,500.  
(Public Works)

**ACTION: Resolution 2016-29301 adopted.** Motion by Commissioner Malakoff, seconded by Commissioner Rosen Gonzalez. Voice-vote: 7-0. **Eric Carpenter to handle.**

Eric Carpenter, Assistant City Manager/Public Works Director, stated that as part of the ongoing process to identify and address existing deficiencies in the department when he arrived, they have been working with the Department of Health over the last 12 months to close out permits that were expired from 2003 until 2013, that were never closed out properly in their system. What they found when they went through and identified all of these projects, is that a number of them were properly done by the Engineer of Record and the developer or the entity that was constructing the water main, but it was never closed out with the Department of Health. Others they found that construction had never actually taken place, so the projects, although the permits were never closed, never actually took place so there was nothing out of sorts. There were a couple of instances where the Engineer of Record for the project or the project itself had been completed so long ago, even in one instance the Engineer of Record had passed away, so they were unable to identify that information. They have cleaned up all of these issues and have come to a resolution with the Department of Health; in addition they have in place a standard operating procedure, so that this issue will not happen again in the future under this administration. This is the final action of the Department of Health to resolve these issues from 2003 through 2013.

**11:34:40 a.m.**

R7L A Resolution Consistent With The City Commission Action Of December 9, 2015, Pursuant To Resolution No. 2015-29222, The City Commission Approves And Authorizes The City Manager To Execute An Interlocal Agreement (“Agreement”), Attached Hereto As “Exhibit 1”, Between The City Of Miami Beach (“City”) And The Miami-Dade County School Board (M-DCSB) In Which The City Will Fund, For A Three Year Term, Certain Prekindergarten Classes For Eligible City Of Miami Beach Residents, And The Prekindergarten Services Would Be Offered At Biscayne Elementary School And Fienberg/Fisher K-8 Center Under The Terms Of The Attached Agreement, Which Pre-Kindergarten Services May Be Accessed By City Of Miami Beach Resident Children From The Four Targeted Schools (Biscayne Elementary School, Fienberg/Fisher K-8 Center, North Beach Elementary School And South Pointe Elementary School) Following The Registration And Lottery Procedures Delineated In The Interlocal Agreement; With An Estimate Cost Of \$206,558 In Start-Up Costs For Year One, And An Estimated Reoccurring Cost For Years Two And Three Of Approximately \$140,402, Per Grant Year, To Fund The On-Going Costs Of The Classrooms Identified In The Agreement.

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

**ACTION: Resolution 2016-29302 adopted.** Motion by Commissioner Grieco, seconded by Vice-Mayor Alemán. Voice-vote: 7-0. **Office of the City Attorney to handle.**

Eve Boutsis, Chief Deputy City Attorney, stated that on December 9, 2015 a Resolution was passed for a budget amendment to provide for this program. This is the actual Interlocal Agreement to allow for the two classrooms for the voluntary Pre-K in our school system for the additional children that are missing the program. The agreement was negotiated at \$153,000, less than what was budgeted, and \$189,000 for startup costs, which is down \$206,558 and \$140,402. She recognized Commissioner Grieco for his efforts.

Commissioner Rosen Gonzalez asked where the VPK classes are being held.

Commissioner Grieco responded that this is being done through the School District.

R7M A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 1 To A Joint Participation Agreement (JPA) With Miami-Dade County To Include The Harmonization Of Dade Boulevard To The West Avenue Bridge Project, With This Addendum, The Total Contribution By The County Of This JPA Will Be In The Amount Of \$5,211,000, Of Which \$3,011,000 Will Be Used For The West Avenue Bridge Project And \$2,200,000 For Dade Boulevard Harmonization Project.

(Public Works)

**ACTION:** Item deferred to **February 24, 2016** Presentation and Awards. Lilia Cardillo to place on the Commission Agenda if received. **Eric Carpenter to handle.**

- R7N A Resolution Accepting The Recommendation Of The Finance And Citywide Projects Committee To Issue A Request For Proposals For The Design Of New Bus Shelters; And Authorizing The City Manager To Extend The Existing Agreement Between The City And Clear Channel Adshel, Inc., On A Month-To-Month Basis, After Its Expiration On October 31, 2016, As Needed, So That The Clear Channel Contract Would Remain In Place Until A New Contract Is Executed.  
(Transportation)

**ACTION:** Item deferred to the **March 9, 2016** Commission Agenda. Lilia Cardillo to place on the Commission Agenda if received. **Jose Gonzalez to handle.**

**11:37:04 a.m.**

- R7O A Resolution Accepting The Recommendation Of The Neighborhood/Community Affairs Committee To Conduct A Traffic Calming Study In The Nautilus Area.  
(Transportation)

**ACTION: Resolution 2016-29303 adopted.** Motion by Commissioner Steinberg, seconded by Commissioner Grieco. Voice-vote: 7-0. **Jose Gonzalez to handle.**

Commissioner Malakoff stated that she knows that this was requested for the Nautilus area, and one of the reasons was for speeding. Yet the average speed measured was 28 miles per hour (mph); she wishes it were 28 mph on all of the City's roads. The 85th percentile speed was measured at 33 mph. She is not sure what the problem is. It depends on what types of traffic calming devices are being considered.

Jose Gonzalez, Transportation Director, explained that there was a spot speed study that was conducted by Police in the area. The study showed that there was no significant speeding problem, but it also indicated that there was a high volume of vehicles on local residential roads, which is indicative of cut through traffic. It is more of a volume and cut through problem than it is a speeding problem.

Mayor Levine asked if this is caused by the Waze application.

Commissioner Malakoff stated that there is the same problem of cutting through on North Bay Road. The main roads that go north and south in the City of Miami Beach, whether it is Collins, Alton, Pine Tree, or LaGorce, all of them are congested. If it were a speeding problem, she would agree because there are plenty of children that live there. It seems to Commissioner Malakoff that people who are trying to get through from one street to another will use side streets; and that may be because of Waze, she does not know.

Commissioner Steinberg explained that when this item came in front of the Neighborhood/Community Affairs Committee, the neighborhood association continued to express that there is speeding in their neighborhood. The neighborhood association is also concerned about the outliers and drivers running traffic signs and stop signs. Commissioner Steinberg asked if the study proposed expanded the scope to Alton and the light on 43<sup>rd</sup>.

Jose Gonzalez responded that yes, the study had been expanded as described by Commissioner Steinberg; and it also had been expanded to those intersections that are currently two way stops, not four way stops signs.

Commissioner Steinberg added that because the school's location, there was a higher urgency by the community. She knows that the one test showed that there was not a speeding issue, but everybody in the neighborhood disagrees; that is why it should be looked at again.

Commissioner Grieco stated that, with all due respect to the Police studies, he does not buy into them. As someone who sees certain roads where they have done these studies, and then he sees the numbers, in these outliers they have people flying down these road at 60 mph; and those speed studies do not capture that. They can look at the statistics, and see that the 85<sup>th</sup> percentile is not speeding; but what about the 90<sup>th</sup> or 95<sup>th</sup> percentile? If somebody is comfortable doing double the speed limit in a residential area, they owe it to the people that live in the neighborhood and the residents who have children that go to the school to do the study. He cited the traffic study on Alton Road, South of Fifth, which showed that everybody was driving the speed limit; except that he walks past the location every day and it is like Lemans.

In response to a question from Commissioner Grieco, Jose Gonzalez responded that the cost of the proposed study is approximately \$70,000 to \$80,000. The City is in the process of scoping it.

Commissioner Grieco stated that they need to be as efficient as possible, not just monetarily, but they must also include as many parameters and as big scope items as possible to get the bang for the buck. There is a great deal going on in that area, especially on 41<sup>st</sup> Street, and the traffic backups. The Waze application is having a large negative impact on the residential areas because Waze tells everyone to take the side roads.

Commissioner Rosen Gonzalez stated that they continue to do traffic studies and come up with solutions, but many of them do not work. Recently there was a pilot program to only turn right on Prairie, and the entire neighborhood is in an uproar. What they need to do is stop developing for a while. That is the only way that they can start to reduce traffic until they find solutions. People are desperate, they can continue to spend money on traffic studies and then come up with data that does not work. They need to see the bigger picture.

Discussion continued.

Commissioner Steinberg clarified that the reason they need to do a traffic study is that, unfortunately, the City does not control the City's roads. If they want to put stop signs in an area to help the traffic calming, they need to petition the County and get the County to put the stop signs in. The only way the County will agree to do that, is if the City has a traffic study to show the County that in fact it is necessary. Unfortunately, the City has to go through this whole process in order to get a stop sign on the street.

**11:43:42 a.m.**

R7P A Resolution Amending Resolution No. 2015-29247 With Respect To The City Commission's Voluntary Imposition Of The City's Cone Of Silence Ordinance To The Solicitation Of Alternative Proposals For A Public-Private Partnership, In Accordance With Florida Statute 287.05712, For An Off-Wire Or "Wireless" Light Rail/Modern Streetcar System ("Project"); Said Amendment For The Limited Purpose Of Permitting The City's Project Consultants And City Staff Designated By The City Manager, To Schedule One-On-One Meetings With Prospective Proposers For Fact-Finding Purposes, As Part Of An Industry Review Process; And Otherwise Continuing To Extend The Requirements Of The City's Cone Of Silence Ordinance, As Set Forth In Section 2-486 Of The City Code, To The Solicitation For The Project.  
(Transportation)

**ACTION: Resolution 2016-29304 adopted.** Motion by Commissioner Malakoff, seconded by Vice-Mayor Alemán. Voice-vote: 7-0. **Jose Gonzalez to handle.**

Jose Gonzalez, Transportation Director, introduced the item. At the December 16 Commission Meeting, a resolution was adopted accepting an unsolicited proposal for a light rail modern streetcar system in Miami Beach. Since that date, they have been moving quickly with the procurement process. Since then, the Commission elected to extend the Cone of Silence to this project. Since typically the unsolicited proposal process does not require the Cone of Silence, Lowell Clarey, a member of the consulting team, is here today, and advises the City staff that it would be advantageous to the City if they were allowed some one-on-one meetings with interested proposers. Lowell Clarey is a key member of the Kimley-Horn & Associates Inc., team.

Raul J. Aguila, City Attorney, notified the City Commission that this is a limited exemption to the Cone of Silence that will allow the consultant to meet with the proposers for one-on-one fact-finding purposes. Each proposer, prior to meeting with the City's consultant, must agree to sign an affidavit prepared by the Office of the City Attorney, stating what the purpose is for, that it is for fact-finding only, and that the meeting would not be the subject to any future protest by perspective proposers when they respond to this proposal. All other factors of the Cone of Silence, including prohibited conversations between the Mayor and City Commissioners and prospective proposers, as well as prohibited communication between the Office of the City Manager and prospective proposers, except for the one-on-one communication with the consultant, will still be in effect, and will still be prohibited. It is a very limited exemption to the Cone of Silence, which is being brought forth at the recommendation of the consultant.

In response to a question from Mayor Levine, City Attorney Aguila explained that the consultant has explained to him that this is the way FDOT does its P3 processes; and it is customary.

Commissioner Steinberg stated that common or not, she does not know how comfortable she is with it. She asked if there is a way that the conversations are, if not in the sunshine, then somehow recorded, or perhaps the City Clerk can take notes, so that after the fact, that it is made public. If it is not going to be in the sunshine, in a public forum, they have to find another way. As proposed, she is not comfortable.

Lowell Clarey, Kimley-Horn & Associates Inc., stated that these are fact-finding conversations. All official actions will be done in the sunshine, through official documents. There are not going to be any decisions made by the City at these meetings. It is listening to the proposers, and allowing them to provide information in a confidential setting; and then the City takes that under advisement and the City will issue or reissue documents that will be official in the public record. These meetings are not for decision-making or selection. It is just listening to the teams, because they have a great deal of information. These are complex projects and the teams want to share

information with the City, and these proposers cannot do that in an open forum. Much of what is said is confidential information, and it is information that is competitive. If they have an open meeting and they record that information and make that available, these proposers simply will not share it with the City.

Discussion continued about confidential information.

Vice-Mayor Alemán asked if these sessions could be recorded in case they need them after the fact.

Lowell Clarey responded that if they were recorded and available for public consumption during the procurement process, the same issues would exist.

Vice-Mayor Alemán and Commissioner Steinberg asked if such recording would have to be made available to the public after the procurement process is completed. Mr. Clarey responded in the affirmative.

Commissioner Grieco asked if making the recordings available after the procurement process would deter proposers for bidding.

Lowell Clarey responded that proposers would be hesitant to share that type of information. Whether it will hurt competition, they do not know. However, some proposers may decide simply not to propose.

In response to Mayor Levine's question, Mr. Clarey explained that this is the process followed by FDOT and every state in the Country that has done P3s. In addition, many local governments have used it; it is the standard practice in pursuing a P3. Mr. Clarey explained that he believes Miami-Dade County has this provision available as well.

Mayor Levine asked his colleagues if they want the greatest proposers from around the world, or a strange peculiarity. Vice-Mayor Alemán and Commissioner Malakoff responded that they want the best.

City Manager Morales explained that this same process was followed in the Port Tunnel Project.

City Attorney Aguila explained that he has opined that the City's Cone of Silence would not ordinarily even apply to a public private partnership. This Commission voluntarily agreed to apply the Cone of Silence. What they are asking for is a very limited exception. As to whether it can be recorded, he recommends that in order to do it the way the consultant is recommending, that it not be recorded. However, he wants to point out that the consultants will be preparing summaries of the meetings with the proposers, identifying the general issues that were discussed. The last thing he wants to add, is that all proposers are being treated equally, and this is not an opportunity for the Administration or the consultant to share any additional information with a particular proposer; this is a fact-finding tool. City Attorney Aguila reminded the Commission that there might be an exchange of confidential information that the proposer would want protected and would likely be reluctant to disclose if they were operating subject to a recording or public records disclosure.

Commissioner Steinberg asked if after the procurement process is over, when they are making a decision as to who will be selected, assuming the City moves forward, are not some of the trade secrets going to come out.

Lowell Clarey, Kimley-Horn & Associates Inc., explained that in the proposal they are allowed to protect their trade secrets. What the City will have them do is when proposers turn in their packets they will submit the two separate packages, one with public information and a second with confidential information. The confidential information provided is protected by law.

City Attorney Aguila added that there is an exception in the Florida Statutes that protects the disclosure of trademark information, if it is identified as trademark information by the proposer and if the proposer makes a request for an exemption.

Commissioner Steinberg stated they did self-imposed this Cone of Silence, and she does not want to call what is being requested today an exception. Imposing the Cone of Silence on this, in the first place, was the exception. Based on what has been presented, she trust Kimley-Horn & Associates Inc., as a reputable company; and the proposers will be signing an affidavit and thereby keeping the integrity of the process, which is important.

**11:52:46 a.m.**

R7Q A Resolution Opposing SB 872 And HB 675, Or Similar Legislation That Would Preempt Local Policies Related To Immigration Detainer Requests.

(Sponsored by Commissioner Kristen Rosen Gonzalez)  
(Legislative Tracking: Office of the City Attorney)

**ACTION: Resolution 2016-29305 adopted.** Motion by Commissioner Arriola, seconded by Vice-Mayor Alemán. Voice-vote: 7-0. **Gloria Baez to handle. Office of the City Clerk to mail out resolution.**

Commissioner Rosen Gonzalez introduced the item and stated that SB 872 and HB 675 is an anti-immigrant type of hate policy that the State wants to impose on municipalities and counties. She discussed that the County just passed a similar resolution against this. She wants the City to support the County and send a message that this City Commission does not want illegal immigrants retained and paid for with tax dollars. She received a letter from Abbie Cuellar, Chairperson, Miami-Dade County Hispanic Affairs Advisory Board, asking the City to oppose this.

Aleksandr Boksner, First Assistant City Attorney, spoke. He stated that he is sure that legal issues have been addressed.

**11:54:19 a.m.**

**ADDENDUM MATERIAL 2:**

R7R A Resolution Approving And Authorizing The Administration To Negotiate A Lease Agreement, Consistent With The Essential Terms Set Forth In This Resolution, Between The City Of Miami Beach, As Tenant, And RK 946-966 Normandy, LLC, As Landlord, For Use Of Approximately 1,800 Rentable Square Feet Of Property, Located At 962-964 Normandy Drive, Miami Beach, Florida, To Be Used As Administrative Offices For The City's Building Department; Said Lease Agreement Having An Initial Term Of Fifty (58) Months, Commencing On March 1, 2016, And Ending On December 31, 2020, With Two (2) Three (3) Year Renewal Options, At The City's Option; And Upon Successful Negotiations, Authorizing The Mayor And City Clerk To Execute Said Lease Agreement.

(Tourism, Culture & Economic Development)

**ACTION: Resolution 2016-29306 adopted.** Motion by Commissioner Steinberg, seconded by Commissioner Malakoff. Voice-vote: 7-0. **Max Sklar to handle.**

City Manager Morales introduced the item.

Mark Milisits, Office of Real Estate, introduced a new lease agreement for the Building Department at North Shore. The lease terms are as follows: the property is located at 946 to 966 Normandy Drive, west of the Normandy Fountain; with a size of approximately 1800 square feet; has a commencement date of March 1, 2016 and ending December 31, 2020; and it includes the first three months of free rent. The base rent is \$29 per square feet, about \$52,000 annually, with 3% increases. The City is responsible for operating expenses. There are two renewal options for three years each at the City's sole option. The space is in good shape and the building is available for occupancy within a short period. Mr. Milisits added that this office would allow for better service to the residents in North Beach.

Mayor Levine agreed with Mr. Milisits.

Mariano Fernandez, Building Department Director, is looking forward to having a mini Building Department in North Beach and making the process business friendly to the residents there. Inspectors will also be reporting there as well.

Commissioner Steinberg commended everyone for getting to this point. In order to make this successful, she wants to understand what the office will offer. She wants to make sure that everything is fully thought out.

Mr. Fernandez stated that if there is anything additional to do it will be done in the office by staff, internally as to avoid duplicate efforts.

Vice-Mayor Alemán requested looking into having Police Officers patrolling the North Sector with body cameras to be able to do data transfer of the video at this location, so the Officers would not have to travel to Headquarter in South Beach. Chief Oats responded that a solution to this had been achieved.

Discussion continued.

City Manager Morales added that North Beach residents will also have a kiosk to pay bills, and they will continue to create additional services for the residents there.

**R9 - New Business and Commission Requests**

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

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

**AFFORDABLE HOUSING ADVISORY COMMITTEE**

Beth B. Butler, A citizen who represents employers within the jurisdiction category	TE 12.31.17	TL 12.31.21	Appointed by City Commission
Jeffrey M. Feldman, A citizen who actively serves on the local planning agency category	TE 12.31.17	TL 12.31.19	Appointed by City Commission F.S. §163.3174
Matthew Land	TE 12.31.17	TL 12.31.23	Appointed by Vice-Mayor Alemán
Roger Shields	TE 12.31.16	TL 12.31.23	Appointed by Commissioner Ricky Arriola

**AFFORDABLE HOUSING ADVISORY COMMITTEE - Continued**

Francis (Frankie) Trullenque, A citizen actively engaged as an advocate for low-income persons in connection with affordable housing

TE 12.31.17	TL 12.31.21	Appointed by City Commission
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Michael Bernstein Concluded on 1.28.2016  
Keren Bajaroff Concluded on 2.3.2016

**COMMITTEE ON THE HOMELESS**

Dona Zemo	TE 12.31.17	TL 12.31.23	Appointed by Commissioner Ricky Arriola
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Monica Fluke Concluded on 1.28.16

**CONVENTION CENTER ADVISORY BOARD**

Peter Matos	TE 12.31.16	TL 12.31.23	Appointed by Commissioner Ricky Arriola
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David Kahn Concluded on 2.3.16

**DISABILITY ACCESS COMMITTEE:**

Gloria Salom	TE 12.31.16	TL 12.31.23	Appointed by Commissioner Rosen Gonzalez
Michael Bernstein	TE 12.31.17	TL 12.31.23	Appointed by Commissioner Ricky Arriola
Sabrina Cohen	TE 12.31.16	TL 12.31.17	Reappointed by Commissioner Ricky Arriola

Maria Koller Concluded on 1.19.16

**HEALTH ADVISORY COMMITTEE:**

Dr. Richard M. Awdeh **TL**, in the corporate individual category

TE 12.31.16	TL 12.31.16	Reappointed by City Commission
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Francois Betancourt TE 12.31.18 Ex-Officio Fire Rescue Department

Dr. Todd M. Narson **TL**, in the health benefits provider category

TE 12.31.16	TL 12.31.16	Reappointed by City Commission
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Dr. Anthony J. Japour **TL**, in the administrator from an ACLF/ALF category

TE 12.31.16	TL 12.31.16	Reappointed by City Commission
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**HISPANIC AFFAIRS COMMITTEE:**

Herbert Sosa	TE 12.31.16	TL 12.31.23	Appointed by Vice-Mayor Alemán
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**LGBT**

Craig Garmendia TE 12.31.16 TL 12.31.23 Appointed by Commissioner Ricky Arriola  
 Lynare Robbins TE 12.31.17 TL 12.31.23 Appointed by Commissioner Ricky Arriola  
 Chad Richter Conclude on 1.15.16  
 James Weingarten Concluded on 1.15.16

**MIAMI BEACH COMMISSION FOR WOMEN:**

Barbara Kaufman TE 12.31.16 TL 12.31.23 Appointed by Commissioner Arriola  
 Sara Fuchs TE 12.31.17 TL 12.31.23 Appointed by Commissioner Arriola  
 Marjorie York TE 12.31.16 TL 12.31.23 Appointed by Commissioner Rosen Gonzalez  
 Dara Shoenwald TE 12.31.17 TL 12.31.23 Appointed by Commissioner Ricky Arriola  
 Gertrude Arfa Concluded on 1.19.16  
 Heather Davis Concluded on 2.3.16  
 Nikki Weisburd Concluded on 1.28.16

**MIAMI BEACH HUMAN RIGHTS COMMITTEE**

Clare F. McCord TE 12.31.17 TL 12.31.21 Appointed by City Commission

**PARKS AND RECREATION FACILITIES BOARD**

Carolina Jones TE 12.31.17 TL 12.31.23 Appointed by Commissioner Michael Grieco

**POLICE/CITIZENS RELATIONS COMMITTEE**

Leslie Coller TE 12.31.17 TL 12.31.23 Appointed by Commissioner Kristen Rosen Gonzalez  
 Pamela Brumer TE 12.31.16 TL 12.31.23 Appointed by Commissioner Ricky Arriola  
 Nelson Gonzalez Concluded on 2.3.16

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

Leif Bertrand TE 12.31.17 TL 12.31.23 Appointed by Commissioner Ricky Arriola  
 Delvin Fruit TE 12.31.17 Reappointed by Mid Beach Comm. Assoc.  
 Eric Montes de Oca Concluded on 1.26.16

TE Term Ending  
 TL Term Limited

**Boards and Committees Liaison Appointments**

Katherine Gonzalez Hispanic Affairs Committee  
 Grethel Aguiar Miami Beach Commission for Women  
 Bonnie Stewart Miami Beach Commission for Women  
 Erick Chiroles Miami Beach Human Rights  
 Cilia Maria Ruiz-Paz Miami Beach Human Rights  
 Danila Bonini Sister Cities Program  
 Tathiane Trofino Sister Cities Program

**Commission Committee Liaison Appointments**

Morgan Goldberg Neighborhood/Community Affairs Committee

**Non-City Commission Committee Appointments****PERFORMING ARTS CENTER TRUST**

Karen Fryd Appointed by City Commission

**1:28:28 p.m.**

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

**ACTION:** The following appointments were made by acclamation:

**AFFORDABLE HOUSING ADVISORY COMMITTEE:**

- Beth B. Butler appointed – Category: citizen who represents employers within the jurisdiction
- Jeffrey M. Feldman appointed – Category: citizen who actively serves on the local planning agency pursuant to F.S. § 163.3174 (Planning Board Member)
- Francis (Frankie) Trullenque appointed – Category: citizen actively engaged as an advocate for low-income persons in connection with affordable housing

**HEALTH ADVISORY COMMITTEE**

- Dr. Todd M. Narson reappointed – Category: health benefits provider
- Dr. Richard M. Awdeh reappointed – Category: corporate individual
- Dr. Anthony J. Japour reappointed – Category: administrator from an ACLF/ALF

**MIAMI BEACH HUMAN RIGHTS COMMITTEE**

- Clare F. McCord – appointed

**4:01:28 p.m.**

**PERFORMING ARTS CENTER TRUST** (A Non-City Commission Committee)

City Clerk Rafael E. Granado explained that the City is entitled to appoint three representatives to the Board of the Performing Arts Center Trust, Inc. (PACT). The current City of Miami Beach appointees are Larry Colin and Commissioner Ricky Arriola. There is one City of Miami Beach vacancy, and the Adrienne Arsht Center requested the appointment of Karen Fryd for this three-year term.

Karen Fryd was appointed by acclamation to the Performing Arts Center Trust.

**City Clerk's Note:** Richard Milstein's position was vacant. The vacancy was filled with Karen Fryd's appointment.

Handouts and Reference Materials:

1. Letter dated February 4, 2016, from the Adrienne Arsht Center, RE: City of Miami Beach appointment of Karen Fryd to the Performing Arts Center Trust. The letter includes a copy of Ms. Fryd's bio as well as a copy of the PACT's Articles of incorporation that outlines the appointment process.

**8:32:27 a.m.**

R9B1 Dr. Stanley Sutnick Citizen's Forum.

**ACTION:** The following individuals spoke:

1. Wendy Joseph, Secretary to the Board of Belle Plaza Condominium, thanked the City Commission for visiting Belle Plaza, their iconic architecture building, and urged the Commission to keep the Boomerang balconies as-is. She recognized City Manager Morales for his efforts. Their building is shaped like a boomerang; the theme is carried out throughout the building "Belle Plaza Condominium." She asked that the balcony architecture not be changed.

Mayor Levine stated that he never knew about this type of architecture.

Commissioner Malakoff stated that the boomerang balconies are MiMo structure and referred her to the individual lobbying at State level.

Wendy Joseph thanked Commissioner Grieco and Vice-Mayor Alemán for their efforts.

2. John Miller stated the Belle Plaza was designed in the MiMo style and is in support of keeping the boomerang architecture. Belle Plaza residents have always maintained the highest level of standards in the condominium, and have worked closely with the Fire Department to comply with all types of safety issues. He stated that the new Fire Codes, in his opinion, would alter the boomerang design for safety precautions, but he does not believe them to be practical.

Vice-Mayor Alemán visited the building. Subsequently she spoke with the Fire Chief to address issues raised. She asked if there was an update from the State. She is in support of what the group is trying to do.

Virgilio Fernandez, Fire Department Chief, stated that his mandate is to enforce the State Code. A mandate for Fire Marshalls was created to warn individuals that guardrails must not have a sphere that is more than four inches wide, because children were falling out. They asked residents to retrofit their guardrails with a mesh to cover the openings. An agreement was reached and when they revisited the building and took it to the Life Safety Board, the argument was whether the balconies were indoor or outdoor, and what security measures can be taken. He is willing to cooperate and see what can be done, but it all depends on whether the State agrees with the measures taken.

3. John Aguilero, President of the Board of Belle Plaza Condominium, showed drawings and explained that this group of individuals here are an example of what Belle Plaza consist of - working, middle-class people that take pride in the building and do whatever is necessary to maintain it. In the last five years, special assessments totaling \$1.3 million were done, if they now have to add costs of fixing the balconies, he does not believe many residents will be able to cover the expense. They need the City Commission's help to maintain the balconies and assist the homeowners.

Vice-Mayor Alemán stated that they were appealing the State and requested to have a plan put together. **Chief Virgilio Fernandez to handle.**

Discussion held.

Fire Chief Fernandez will take it to the Miami-Dade County Life Safety Board.

4. Bruce Bachman spoke on the Convention Center Hotel; he asked the City not to consider the oceanfront property between the W hotel and Setai as a location for a new hotel. He also asked for ambient DJs to be considered entertainment in Sunset Harbor.
5. Doug Mallmode has had conversations and correspondence with Police Chief Oates, Code Enforcement, Special Events, and his complaint is regarding the lights used on the beach for special events. He stated that the bright lights point to his apartment, and do not allow him to sleep at night. He asked the City Commission to move special events to an area that is not highly populated such as by Lummus Park.

City Manager Morales met with the different departments on this matter. He instructed the Police Officers not to unnecessarily use lights, especially onto the building; however, at times it is needed for safety reasons. They will continue to monitor, and make sure lights are not directly shining at buildings. He added that no one else has complained about the lights used for special events.

Doug Mallmode explained that this happens every year, and he has repeated his complaint, and will continue to do so.

Vice-Mayor Alemán requested reaching out to Special Events to see how they can assist and make it better.

6. Bob Marolo spoke regarding the proposed Wellness Center and ADA playground at Alison Park. He believes the playground should be deferred, as it is oversized for the area. He added that they are not against a handicapped-friendly park and playground, but asked that it be reasonably sized. (See also item R9U)
7. Dr. David Gollum spoke on the issue of overnight anchoring, specifically in Sunset Bay and the Venetian Islands. The Florida House Bill 1051 negatively affects Miami Beach residents, because it will limit docking throughout Biscayne Bay. He added that the Bill is said to tackle illegal dumping, but he believes it will not help cleaning up the Bay, but rather favor wealthy property owners of South Florida.
8. Lilly Bach, representing the Security Guard workers, stated that Kent Security did not disclose information in violation of the RFP process. There is a record of Kent Security's employee abuse history. (See also item R9R)

Handout or Reference Materials:

1. Speakers List

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

R9B2 Dr. Stanley Sutnick Citizen's Forum.

**ACTION:** The following individuals spoke:

1. Daniel Ciraldo spoke on item C4D. For the record, he stated that the single-family home issue could become a hardship, because if someone wants to buy a single-family home and wants to make renovations to that home, the new Ordinance requires that after the 50% threshold has been met, the entire structure needs to be elevated. He hopes some kind of accommodation can be made. He believes that if a person buys a home and wants to renovate it, only to find that they additionally need to elevate the whole structure, it may prevent people from wanting to move into Miami Beach. He also stated that Miami Beach should have homes such as in Key West that are built on stilts, and can be easily elevated. Currently Miami Beach homes are cemented to the ground.

Commissioner Malakoff stated that the Planning Board passed a Resolution that will avoid concrete-box homes. She added that before homes are demolished, regardless of year, they have to go in front of the Design Review Board.

Vice-Mayor Alemán stated that the work to be examined has been taken for discussion at the Mayor's Blue Ribbon Panel on Sea Level Rise.

2. Matthew Fernandez, on behalf of Filmgate Interactive, stated that they will be having a Conference next week and are expecting thousands of visitors at the Deauville hotel. He extended an invitation to the City Commission to experience what filmmakers are doing in Miami Beach. He asked for assistance ranging from a tweet to any other promotional ideas. [www.filmgate.miami](http://www.filmgate.miami).
3. David Kelsey spoke on two issues. The first issue is that every day, 5<sup>th</sup> Street and Washington Avenue are gridlocked. The situation is getting so bad that people are experiencing road rage. He suggested having traffic rangers, or anyone with basic training to help keep traffic moving along.

Commissioner Malakoff stated that five new Police positions have been brought in to help alleviate traffic. She added that there are signs "Do Not Block The Intersection," but there will soon also be signs posted with information on the fees for violation, which will improve the congestion. In addition, Police Department has arranged with Miami-Dade County traffic control to have the lights from east to west with a longer green light to help move traffic out of Miami Beach during rush hour.

Mr. Kelsey's second issue is regarding the "Roach" sculpture on Washington Avenue and Lincoln Road. He asked for it to be taken down. He said that people bump into it.

Discussion held regarding the sculpture.

4. Stanley Shapiro referred to an article written by Commissioner Grieco in The Miami Herald about Miami Beach housing. People of low income will not be able to live in Miami Beach, and he commended the Commissioner for writing that letter. He praised Commissioner Steinberg for her Monday classes. He was unable to attend due to bus delays. This City Commission has the opportunity to be the best in the history of Miami Beach, but it has to be a loving and caring Commission. He recognized Commissioner Malakoff as well. He requested to be put in the Committee on the Homeless.

**1:13:01 p.m.**

A short recess was called by Vice-Mayor Alemán.

**2:47:33 p.m.**

R9C Discussion Regarding The Restoration Of The Damaged Portion Of The “Great Spirit” Statue Located On The Traffic Island Between Pine Tree Drive And Flamingo Drive On 40<sup>th</sup> Street.  
(Sponsored by Commissioner Micky Steinberg)

**ACTION:** Discussion held. **Anthony Kaniewski to handle.**

Commissioner Steinberg stated that the hand of the “Great Spirit” statue is decaying. She invited Alfredo Gonzalez to come up and speak on the item.

Alfredo Gonzalez stated that during one of the meetings of Mondays with Micky, he brought up the issue of the sculpture; he gave a brief history of the statute, which is 92 years old and stated that the hand is deformed. He suggested restoring the statute.

Alex Denis, Procurement Director, added that the statute is in the process of being repaired.

Mayor Levine stated that Mr. Gonzalez’s father recently passed away and gave him his deepest condolences. Mr. Gonzalez was a pillar of this community.

**1:31:10 p.m.**

R9D Discussion Regarding A Public Piano Program.  
(Sponsored by Commissioner Michael Grieco)

**ACTION:** Discussion held. **Max Sklar to handle.**

Commissioner Grieco introduced the item, and stated that many cities throughout the country including Sarasota have a program where they place pianos throughout the City to promote culture. He encouraged everyone to look up Sarasota Keys Program for more information. He believes this program would be great in Lincoln Road and Washington Avenue.

Mayor Levine thinks this is a great idea.

Commissioner Grieco will bring this item back to the City Commission with a proposal.

Commissioner Malakoff stated that previously there were pop up pianos on Lincoln Road as part of an art program.

Commissioner Steinberg asked how often this would be done, and in what particular location.

Discussion held.

Commissioner Arriola added that he would be interested in expanding the idea and include the Cultural Arts Council. He stated that the Knight Foundation founded ‘Random Acts of Culture,’ where they would have different art organizations promote art and culture through similar programs.

Commissioner Grieco stated that he is interested in expanding this program to North Beach as well.

**1:35:15 p.m.**

R9E Discussion For Policy Direction Regarding Conditional Use Requirements For "DJs" Playing Music At "Ambient" Levels.

(Sponsored by Commissioner Michael Grieco)

**ACTION:** Discussion held. Commissioner Grieco moved that for purposes of volume levels, a DJ playing music at ambient levels in the MXE district is not deemed a performance that would require a Conditional Use permit; seconded by Vice-Mayor Alemán; Voice vote: 7-0. **Hernan Cardeno to handle.**

Commissioner Grieco stated that this item has more to do with hotels and the MXE area uses. He asked Alexander Tachmes to address the City Commission with his concerns.

Alexander Tachmes, on behalf of several hotel clients, stated that for the past six or seven years, the Planning Department's interpretation was that if a disc jockey was playing music at background levels on a hotel pool deck, no special Conditional Use permit would be needed. He sent a letter addressed to the City Commission with a copy of the policy signed by Richard Lorber, Planning Department Director in 2013, which his clients had been following for a number of years. However, there was a change in the interpretation by the Administration, and hotels are currently being cited for having a DJ, despite the music being played at background levels.

Commissioner Arriola asked if the hotels were being fined by having a physical DJ present, and whether they would be fined if they were playing a recording via an iPod at the same volume.

Mr. Tachmes answered that they were being fined for having a DJ present.

Commissioner Malakoff believes the rule should be depending on the sound level. As long as the music is played at ambient level, she does not have a problem. On Lincoln Road, some of the restaurants keep their doors open and blast music out, and it does not have to be a DJ, it could be a radio program with music that is loud and bother people walking by. Ambient music should be ambient. Most DJs are to provide entertainment and get the crowd dancing.

Commissioner Rosen Gonzalez asked how the City could enforce this. She would like for music to be played so long as the volume is not too loud.

Thomas Mooney, Planning Department Director, made a correction for the record. He stated that the interpretation Mr. Tachmes is referring to, is not an interpretation, but a letter that was not prepared on City letterhead, but was prepared by a third party attorney that the previous Planning Director signed. Mr. Mooney's staff was not aware of this letter, and neither was he, until it was submitted into record at a recent Planning Board meeting. Prior to that, the Planning Department staff determined that DJs should be deemed performers, and that is the key distinction. After Mr. Mooney became Planning Director, the determination that DJs are performers was maintained and there was no change in policy. When looking at the definition of entertainment, it includes any type of live performance, but also includes three exceptions: radio, television and recorded music played at background levels. When introducing the concept of the DJ, because it is a person, it falls into the definition of live performance, and the Code does not distinguish between the volume levels. There was a proposal last fall to amend the Code and create that distinction, but that was part of a larger overall alcoholic beverage Ordinance, that has since been modified. If there is a proposal to create that distinction, they would need to modify the definition of entertainment to clarify that a DJ would be exempt from performances when playing in ambient or background levels.

Mr. Tachmes stated that the issue they have is that if one asked nine out of ten people on the street what a live performance is, they would reply that it is someone singing, or someone performing an instrument. A DJ spinning records is not producing live music, and the Code specifically says that if it is recorded music played at background level is not entertainment. A DJ is not a live performer.

City Manager Morales added that when he was a private attorney he represented a hotel client that was required to get Conditional Use for a DJ playing ambient music. He thinks that has been the interpretation for some time.

Discussion held.

Eve Boutsis, Chief Deputy City Attorney, clarified for the record, that the City Commission may propose an Ordinance to clarify the present Code, but according to the City Code and the interpretation that has been had, it is the Planning Department and the Director who makes that interpretation; and if there were an appeal of this interpretation, it would go to the Board of Adjustment, not the City Commission.

Vice-Mayor Alemán believes the reason this issue is being discussed is because the community has lost confidence, and they have a perception that the City is unable to enforce noise effectively. The City must find a way to enforce the noise Ordinances effectively and regain that confidence, and stop nonsense conversations regarding whether someone is playing recorded or non-recorded music. She asked the City Manager how the City enforces the Noise Ordinance and what improvements can be made.

City Manager Morales stated that with respect to the Noise Ordinance, the City produces a quarterly report, under the direction of the City Commission, which lays out all the Noise Ordinance violations that are received. A great deal of time and energy is spent on the issue of determining legitimate noise complaints. In regards to noise emanating from a DJ in areas where entertainment is not allowed, then the City will proceed to shut down the entertainment. If it is in the entertainment district where it is allowed with a Conditional Use permit, if it violates the Noise Ordinance the City will respond as well. It is on a complaint driven basis. He suggested codifying the change so that it does not become an issue with future Planning Directors.

Commissioner Grieco suggested focusing on geography when speaking about this issue. They can specifically talk about the definitions as it applies to the MXE district. He added that when this Ordinance was drafted, the definition of a DJ is different than what it is now; however, he does not believe a DJ playing at ambient level in the MXE district is something that should require a Conditional Use Permit (CUP). The point of this discussion is not go out of their way to impede businesses, but there are fixes that need to be made in the Code to address the issue.

Mayor Levine agreed with Commissioner Grieco.

Discussion continued regarding noise levels.

Commissioner Steinberg stated that with the CUP process, there are better checks and balances; if that is taken away, then the City relies on the Noise Ordinance for enforcement. The issue is the noise complaints that are not enforced, that are considered valid or invalid, and if subject to a CUP, after a certain number of violations they are up for review. She thinks this is a good system without amending the City Code, rather than codifying the amendment and perhaps repealing in a future.

Commissioner Grieco explained that the issue is regarding the volume and stated that for example, there is no CU for someone carrying a radio blasting; he asked what the difference is between someone actively mixing the music, or a person playing a great sound system.

Discussion continued.

Commissioner Grieco moved that for purposes of volume levels, a DJ playing music at ambient levels in the MXE district is not deemed a performance that would require a Conditional Use permit; seconded by Vice-Mayor Alemán; Voice vote: 7-0.

**1:50:58 p.m.**

R9F Discussion And Referral To Land Use And Development Committee Regarding City Of Miami Beach Preparations For Likely Passage Of State Medical Marijuana Constitutional Amendment.  
(Sponsored by Commissioner Michael Grieco)

**ACTION:** Discussion held. Motion made by Commissioner Rosen Gonzalez to refer the item to the Land Use and Development Committee; seconded by Commissioner Grieco. Voice vote: 5-1; Opposed: Commissioner Malakoff; Absent: Commissioner Steinberg. **Thomas Mooney to place on the Committee agenda. Office of the City Attorney to handle.**

**REFERRAL:**

Land Use And Development Committee

Commissioner Grieco stated that he sits on the faculty for the Florida Medical Marijuana Training Center and he speaks on the Federal law piece, as it applies to medical marijuana, and the history of it and where this is going. The likelihood is that in November 2016, the ballot measure regarding the Constitutional amendment on medical marijuana will pass. He found that Dania Beach has done a great deal of the work for some of the municipalities regarding the structure, if there is an opt in clause, as part of the resulting legislation from the ballot amendment. If the City can opt in or opt out, he recommends that they opt in when it comes to at least retail, for purposes of medical marijuana. If that were the case, the City would need to create its own rules. Some of those rules have been laid out by other cities. He referred to an example in the Agenda. This is simply a referral to LUDC to start that conversation, so that they are not starting the conversation after the fact.

Commissioner Arriola stated that if this were to pass, his vision is that it would be controlled and restricted to certain areas.

Commissioner Grieco added that this is the kind of conversation he wants to have at LUDC, and to have feedback from the residents, allow them to speak, and spend the year developing that vision. At a straw poll a few years ago, the City was embracing medical marijuana at a conceptual level. Now they can discuss if the City wants to opt in allowing dispensary or their specific locations.

Commissioner Malakoff stated that if this is truly medical marijuana, it should be distributed at pharmacies.

Commissioner Grieco explained that this is not the structure nationwide; dispensaries are established and there are strict protocols created. This is going to be dictated at State level, not locally. The only thing local municipalities can do is decide the appropriateness of the location. The Department of Health would determine how dispensaries are structured. The City only decides when and where.

**1:54:33 p.m.**

R9G Discussion Regarding The Flamingo Park Project.

(Sponsored by Commissioner Kristen Rosen Gonzalez)

(Legislative Tracking: Capital Improvement Projects)

(Originated from January 13, 2016 - R9U)

**ACTION:** Discussion held. Return with suggestions. **Eric Carpenter to handle.**

Commissioner Rosen Gonzalez explained that there was about \$12 million of GO Bond money for the Flamingo Park Project; they have a much bigger project coming up in about five years for \$120 million, and they just want to repave the streets in the worst condition. She requested approval for that.

City Manager Morales explained that Commissioner Rosen Gonzalez approached him because neighbors in the Flamingo Park area are concerned about the quality of their roads and streets. She requested looking for a method to expedite the street work and not wait for what will probably be a \$120 million project, when all the undergrounding work is included. She is looking for possible direction on whether or not the City can do, milling and resurfacing of the roads with the \$12 million, and postpones the undergrounding work for a number of years.

Eric Carpenter, Assistant City Manager/Public Works Director, stated that there are some streets in Flamingo Park that are in very poor condition as far as the asphalt pavement. One of the things that has been happening for the last 10 or 12 years was waiting for the neighborhood improvement project, so no money has been spent on the asphalt preservation. They may be able to select the worst areas, because they know that most of the work done there would be "throwaway" when the neighborhood is redone. Ultimately, they would like to do the Flamingo Neighborhood Project in FY 18/19 for approximately \$120 million. The engineering staff met with the Neighborhood Association and neighbors are concerned. Currently there is only \$12 million of above ground funding; if some of those funds are used for pavement, they are concerned if they will be shortchanged in the long-term project. He asked for direction from the City Commission.

Mayor Levine asked when the City is planning to put pumps in place, when do they plan to put in the anti-flood program?

City Manager Morales informed that it is done in two phases; phase I starts in FY 18/19 and phase 2 the following year.

Mayor Levine asked if they were setting a precedent by doing cosmetic work before the actual project is done.

Mr. Carpenter stated that they must be careful about doing "throwaway" work in any neighborhood. There are some streets within the Flamingo Park neighborhood that are the worst in the City. They do not want to spend the \$12 million of the above ground money to fix all the streets. He suggested fixing the ones that are giving the City a black eye.

Commissioner Malakoff suggested putting in green bike lanes wherever possible on those streets that are repaved.

Discussion held.

Commissioner Grieco added that Euclid Avenue is the only street that has actual bike lanes.

Mayor Levine suggested bringing the item back with a low cost repair and a list of the worst streets.

Commissioner Rosen Gonzalez explained that the neighborhood wanted to be able to use that money to restart the project there, but they never landscaped it so there are huge gaps of dirt and in some places, they want to beautify sections of the neighborhood as well as fix some of the worst streets in this historic neighborhood.

Commissioner Arriola stated that in Lower North Bay Road, a project was started and then they realized that the residents were shortchanged with lighting, so they are fixing that situation; however, he thinks they should definitely do something to remedy the worse streets first without overspending.

Commissioner Grieco explained that the challenge is that neighbors have different priorities. He suggested first prioritizing and identifying where the funds are to be focused. In two and a half years from now is when the full project will be done; so how much “throwaway” money is going towards landscaping that in two years will have to be removed. Flamingo Park has been held back for years, and the City Commission has to dedicate funds for this, but they need to do it in a sensible way to ensure that it is in the best sensible manner.

Commissioner Rosen Gonzalez requested to repave the streets in the worst conditions, which she thinks are priority. The neighborhood is also requesting new garbage cans in the interim. She asked that they speak to the neighborhoods and come back with their feedback.

Commissioner Rosen Gonzalez stated that maybe the neighbors can figure out what it is that they want to do, perhaps beautify some of the parts of the neighborhood.

Commissioner Arriola stated that in North Bay Road they did a similar thing; he thinks they should remedy the worse streets now.

Discussion continued.

Commissioner Grieco stated that the challenge they have is folks in the neighborhood have different needs, so it is hard to identify where the needs really are. Also in two years, they will get the full work done, so he suggested not planting additional trees. They have to dedicate funds for this if needed.

Discussion continued.

**1:20:43 p.m.**

R9H Proclamation To Be Presented To Robert Ravencraft, For Running 15,000 Consecutive Days.  
(Sponsored by Commissioner Kristen Rosen Gonzalez)

**ACTION:** Proclamation presented. February 10, 2016 is proclaimed as “*Robert Ravencraft Day*” in the City of Miami Beach.

Commissioner Rosen Gonzalez read the proclamation into the record: “It is with great pleasure and pride that the City of Miami Beach Commission honors the South Beach Legend, a Miami Beach native, Robert “Raven” Ravencraft for this awesome achievements and inspirational accomplishments. The Raven, has been running eight long miles on the sands of South Beach every single day through rain and shine, since January 1, 1975, holding a world record streak of

15,014 consecutive days, which translates to 120,112 miles as of February 9, 2016. The Raven has completed the 8-mile run with over 2,500 runners ranging in ages from six to 80 years, old from over 82 different countries and 50 states. Each runner who completes the 8 miles is rewarded a special nickname and is forever added to the Raven list." Commissioner Rosen Gonzalez stated that she ran with him, and she could not complete the 8-mile run, so she did not get a nickname, but someday she will. Commissioner Rosen Gonzalez added that they are very proud though that Commissioner Ricky Arriola did in fact complete the full 8 miles, and has his own special nickname, "Relay Ricky." Commissioner Rosen Gonzalez stated that Mayor Levine also has run with the Raven. The Raven has run alongside 10,000 runners, including celebrities, athletes, Commissioner Ricky Arriola, Commissioner Rosen Gonzalez, and their beloved Mayor. The Raven's running achievements have been publicized and praised throughout the world. The Raven is a master of discipline and an extraordinary achiever of human determination. "The Raven has become a positive inspiration to all that have run with him. The Raven is an asset to the Miami Beach community as a kind and humble ambassador and; therefore, we do proclaim February 10 as "Robert Ravencraft Day."

Robert Ravencraft distributed a T-shirt to Mayor Levine and Commissioner Rosen Gonzalez and read a note into the record. He is thankful, humbled and honored for this award. He holds the title for longest runner on the sand of South Beach, and the most miles in the same place. He hopes to have his documentary shown at the Soundscape and thanked everyone.

**2:02:57 p.m.**

- R9I Discussion And Referral To The Historic Preservation Board For Consideration To Reclassify Fire Station 1 From A "Non-Contributing" To A "Contributing" Structure.  
(Sponsored by Commissioner Kristen Rosen Gonzalez)

**ACTION:** Discussion held. No referral made.

Commissioner Rosen Gonzalez introduced the item.

Debbie Tackett, Design Preservation Manager, stated that Fire Station 1 was designed by Morris Lapidus and constructed in 1967. The building is within the Flamingo Park Historic District. The local district was initially surveyed and buildings classified back in 1989. At that time, when certain properties were re-evaluated within the District, the building was not considered old enough to be a contributing building; so it does currently have the status of noncontributing within the Historic District. It is her opinion that the building is a very good example of midcentury modern MiMo style architecture and would be eligible to be reclassified as contributing. The reclassifications are made by the Historic Preservation Board. In order to reclassify, this would require an application to the HPB.

Commissioner Rosen Gonzalez asked if this item could be referred to the HPB to look to the possibility of repurposing the building.

Discussion held.

City Manager Morales stated that the Fire Department's assessment of Fire Station No. 1 was that in the 21<sup>st</sup> century, they need a 21<sup>st</sup> century building where fire trucks can fit in. The challenge is, as previously discussed during Commission, if the City does not want to build at this location, then a new neighborhood has to be selected if that is the desire; however, most neighbors are not necessarily excited about it, but the City has an obligation to provide fire services in the South Beach area. He believes this will be discussed at NCAC.

Mayor Levine asked why the sudden interest in designating the building.

Thomas Mooney, Planning Department Director, stated that there are a number of buildings in all Historic Districts that do not have a classification of contributing, and the HPB has the option of reclassifying. In the database, it is classified as noncontributing. If there was a request to reclassify, it is likely that the HPB would reclassify, as it would meet the definition.

Discussion held.

Commissioner Grieco explained that whether they classify it as contributing or not, he asked if this has any impact on the ability of the City to demolish it.

Mr. Mooney answered in the negative, because it is a City-owned building and the final decision of any demolition, regardless of its contributing status, rests with the City Commission.

Discussion held.

Vice-Mayor Alemán added that the Firefighters have to let the air out of the trucks' tires before parking them in the station, and this is definitely a dire situation. She thinks it is premature to discuss before looking at other options. There are five sites under consideration and the discussion has not even begun. To take this site off the table before they understand what they are giving up does not make sense. She suggested considering the fact that this is a Morris Lapidus building in the context of the consideration of the five sites.

Commissioner Steinberg stated that it is in the agenda for NCAC already and at that time they can do due diligence to make the best decision for the City and the area.

## 2:14:46 p.m.

R9J Discussion Regarding The Creation Of A Single Family Home Survey.  
(Sponsored by Commissioner Kristen Rosen Gonzalez)

**ACTION:** Discussion held.

Commissioner Rosen Gonzalez stated that there is a lack of survey and data of contributing and noncontributing buildings. She introduced Ms. Tackett.

Debbie Tackett, Design Preservation Manager, stated that in January 2013 the HPB discussed the issue of a single-family home registry. The majorities of single-family homes are not locally designated and are not within local Historic Districts, but the HPB passed a resolution at the time urging the City Commission to undertake a survey to identify single-family home survey stock. This survey can range from very broad to in-depth. The Planning Department put together a Commission Memo subsequently and this was referred to the Finance & Citywide Projects Committee, but funds were not set aside in the budget. In answering Commissioner Rosen Gonzalez's question, she stated that the estimated cost would be from \$100 to \$200 per property. They have approximately 5,000 single-family home parcels within the City and have looked at prioritizing certain areas that they feel have more significant homes. In order to proceed, they would need direction to explore the exact cost, add a budget line item and obtain approval from the City Commission.

Discussion held regarding the purpose of a survey.

Ms. Tackett explained that no one is applying for designation of single-family homes except for property owners individually. The advantage of the database is that the Planning Department receives real estate developers inquires and people who want to know if their home is pre-1942.

City Manager Morales clarified that the Administration is not recommending a survey.

Discussion continued.

Mr. Mooney added that a great deal of the information is available, but he thinks that what Commissioner Rosen Gonzalez is requesting is a much more extensive type of database, and that is not something that they can do, unless the City Commission gives them a policy direction.

Commissioner Rosen Gonzalez stated, for the record, that 64 homes were demolished last year, and that is the highest number of homes that have ever been demolished in one year; she does not want to be the lone voice pro preservation and believes this is needed for information.

Mayor Levine believes they can discuss this item, but he thinks it is very intrusive.

Commissioner Malakoff stated that the reason some of these homes have been demolished, is that owners want bigger and different type of homes; but also a great number of older homes are built two to four feet above sea level. In order to have their homes survive over the next 20 years, these homes will have to get raised, and people may not want to save their older homes and pay the money to lift hydraulically their homes. If someone wants the home to be designated historic, they can apply to the Planning Department and Historic Preservation Board to get the histories and do the surveys. The property owner will determine if they want to have their home named historic, and if they do, they can go forward with the process that is already in place. She believes it is a waste of taxpayers' money and staff time to do the survey for no purpose.

Discussion continued.

Commissioner Steinberg stated this item was discussed at Finance and did not make feasible sense at that time.

Discussion continued.

Commissioner Grieco asked why a local government would spend half a million dollars in taxpayers' dollars to do a survey of every single family home in the City, just to have the data. The basic data exists. He asked what the rationale is to spend that amount of money on such a survey.

Vice-Mayor Alemán read Section 118.591: "request for designation of an individual historic site or district may be made to the HPB by a motion of the HPB, the City Manager, by Resolution of Planning Board or City Commission, by property owner with respect to his own property, etc., or by a Resolution of any organization whose purpose is to promote the preservation of historic sites." This is simply a proposal by Commissioner Rosen Gonzalez for the City to pay for a database that would allow the MDPL, MB United, Save Miami Beach, or any other organization to designate people's homes for them. She does not feel this is the correct thing to do.

Commissioner Rosen Gonzalez stated that the HPB passed a Resolution asking for a survey to retain or preserve the architecturally significant homes; in 2013 it was determined that there is insufficient documentation.

Commissioner Malakoff agreed that the demolition of homes is tremendously high, but thinks the market very shortly will stop the demolishing of these homes. There has been real estate speculation in the City, and she still believes that it is up to the individual homeowner, if they want to have their home preserved, they can do so by going through the process in place today. She believes that having the DRB review every new home that is going to be built, or plans to be built, will definitely help the quality of single-family homes in the City. Going forward, having all demolition of homes planned and reviewed by DRB and Planning, will help the City from having empty lots. Having a survey of all pre-1942 single-family homes has no other purpose other than have the City designate them as historic, which she believes it is not tangible.

**2:39:04 p.m.**

R9K Discussion Regarding Authorizing The Creation Of A Pilot Program For Specifically Designated Residential Zones That Will Limit On Street Parking To Only Cars And Trucks.  
(Sponsored by Vice-Mayor John Elizabeth Alemán)

**ACTION:** Discussion held. **Resolution 2016-29307 adopted.** Motion made by Commissioner Grieco; seconded by Vice-Mayor Alemán to authorize the City Manager to enact the pilot program; Voice-vote: 7-0. **Saul Frances to handle.**

Vice-Mayor Alemán explained that while she was campaigning in North Beach a few months ago, she received many complaints, particularly in Normandy Isle around Rue Versailles, Bordeaux and Bay drive, where there is a circumstance that is occurring on the streets where residents, primarily in front of multifamily residential buildings, are consuming public parking spaces by parking scooters there. The utilization of those public parking spaces is impeded by people taking scooters, which at times are even broken scooters parked there just to hold the spot all day, and when they come back they move the scooter, park their car and sometimes even put the scooter right behind their car. Therefore, it is not fair and it impedes the utilization of the parking spaces. She met with Aleksandr Boksner and Saul Frances to see what could be done. She suggested creating a pilot program to designate the residential parking spaces that are appropriate for cars and trucks, for two axel vehicles only, and then convert some spots to scooter parking spaces. There would be proper notice and they also talked about putting leaflets on the scooters that are there now, so there would be good communication. It would be a finite time period, maybe six months, after which time they could revisit to see if it is working or not.

Saul Frances, Parking Director, explained that this has been a challenge for some time now. One of the consternation was the proliferation of signage. They would essentially need to post in all the parking spaces, where motorcycles or scooters would not be allowed, and then segment certain areas for scooters and motorcycles parking. This would require a number of signs to be posted throughout the neighborhood to be able to promulgate that restriction. They worked with the Office of the City Attorney; they think they have come up with a solution where they can implement during the pilot program to avoid sign pollution. He showed a sticker sample. They looked at two neighborhoods in North Beach; area number one is the southeastern portion of the Normandy Isle from Rue Versailles to east Bay Drive and South of 71 Street, this is where most of the scooter and motorcycle parking challenges exist. There does not seem to be much motorcycle and scooter parking there. He added that a survey was conducted over the last week, daily, 9:00 a.m., 3:00 p.m. and 9:00 p.m., they surveyed how many scooters or motorcycles were parking in each one of these areas. By far the eastern portion was the highest, at approximately 12% of the conventional parking spaces being used by scooters and motorcycles. That amounts to about 35 parking spaces. That gives them a basis by which to designate the legitimate scooter and motorcycle space in that neighborhood for the pilot program, and obviously post the balance of those conventional parking spaces as no scooter or motorcycle allowed. Most of the neighborhood has angled parking, which has wheel stops, and the idea is to place a reflective

sticker with a sheeting on the wheel stop, with an international symbol so that people know that they cannot park a scooter or motorcycle there, and tested out during the pilot program to see if that works.

Commissioner Steinberg stated that they have been talking about this for a while and commended Vice-Mayor Alemán for moving this forward. A pilot program is perfect to see how it works; this is a great way to have an alternative solution. She suggested also painting those wheel stops. She asked what the process is for the behavior to change.

Saul Frances, Parking Department Director, stated that the recommendation is to implement a six-month pilot program that could potentially be expanded at the City Manager's discretion; go out and repaint the wheel stops, post signage, and then do an extensive outreach to the neighborhood, including distributing leaflets on vehicles, mailing notifications; issue warnings about enforcement and give at least 60 days minimum to see if it works, unless otherwise directed. They will spread the word out for folks to be fully aware that they cannot place these scooters or motorcycles where they are prohibited, then begin enforcement with citations, and a short period of time after that, they will graduate to towing if necessary. Typically, this is when they get feedback from the neighborhood. During the outreach period, they will solicit feedback as to which properties may not necessarily want it because they do not have tenants that have these vehicles, and they will try to sort that out.

Discussion held.

Aleksandr Boksner, First Assistant City Attorney, asked that this be incorporated into a Resolution formally authorizing the City Manager to enact this pilot program.

Handout or Reference Materials:

1. Aerial map, Area No. 1 Normandy Southeast, and Area No. 2 Normandy Southeast.

**2:47:15 p.m.**

#### **Announcement**

City Manager Morales announced that tomorrow night at 6:00 p.m., is the kickoff and hands-on design session for the North Beach Charrette that is going on with the Master Planner, at the UNIDAD Center, at 72<sup>nd</sup> and Collins Avenue.

**3:11:41 p.m.**

R9L Discussion Regarding The Alton Road At 5<sup>th</sup> Street Flyover Aesthetics.  
(Public Works)

**ACTION:** Discussion held. Motion by Commissioner Malakoff; seconded by Vice-Mayor Alemán to paint the bridge, landscape and add some lighting; Voice vote: 7-0. **Eric Carpenter to handle.**

Eric Carpenter, Assistant City Manager/Public Works Director, introduced the item. They were asked last month to bring suggestions for the Alton Road flyover aesthetic improvements. They have worked with the property owner of the southwest corner of the intersection, and have returned with a few options at a \$300,000 cost.

Slide show presentation made.

Mayor Levine stated that there is a two-step process: 1) the bridge needs to be painted; and 2) act on one of the creative ideas for the bridge.

Commissioner Malakoff agreed that the work needs to be done as soon as possible.

Mr. Carpenter stated that the walls were painted two months ago, and they are already seeing some staining because of the vehicle exhaust and subsequent rain. They want to be careful

about what they paint, as it will show dirt easily. There is no budget for this item now, so he is asking for direction.

Commissioner Grieco gave a synopsis of the expensive projects discussed in the past. He stated that having a small capital investment for one of the main entrances into the City is a great idea. He would like to dual track the item, and come up with a budget proposal.

**3:17:42 p.m.**

R9M Discussion On Agreement With MWW Group For Federal Lobbying Services.  
(Sponsored by Mayor Philip Levine)

**ACTION:** Discussion held. There was consensus to continue on a month-to-month basis with MWW Group for Federal lobbying services, until the Presidential Election in November 2016, and then decide what to do. **Gloria Baez to handle.**

Mayor Levine suggested going on a month-to-month basis with the City's lobbyist.

Gloria Baez, Mayor's Chief of Staff, agreed that it would be a good idea to continue services, as the session is about to commence and this lobbyist knows the items that are important to the City of Miami Beach. Ms. Baez commented that at this point, starting over with a new lobbyist would hurt the City, considering that the City has several items that are important to it.

Commissioner Malakoff suggested continuing on a month-to-month basis until the Presidential Election in November 2016, and then determine whether or not to renew at that time.

R9N Presentation By The School Board On Fienberg Fisher K-8 Center.  
(Sponsored by Commissioner Kristen Rosen Gonzalez)

**ACTION:** Item deferred.

**2:09:50 p.m.**

R9O Introduction Of University Of Cambridge Professor, Dr. Barak Ariel, Who Is Working With The Miami Beach Police Department On The Body Work Camera Grant/Multi-Year Study.  
(Police)

**ACTION:** Introduction made.

Police Chief Oates introduced Dr. Barak Ariel. The City of Miami Beach is in its nine-month mark into the body-camera program. They are looking to have the best program in the country. Miami Beach is one of three cities to participate in this program, the other two cities being Phoenix and Milwaukee.

Donald Papy, Chief Deputy City Attorney, introduced the item. The City received over \$600,000 in grant money from the Department of Justice to study body cameras, which is one of the most critical issues in policing. The City of Rialto, California, did a study that concluded that body cameras reduced over 90% of complaints against Police Officers, and over a 60% reduction in the use of force. He recognized Judy Hoanshelt for her help in obtaining the grant, and thanked Dr. Ariel, who is the leading expert of body cameras in the world.

Dr. Barak Ariel stated that it is important for him to move forward with this project; he believes Miami Beach will be at the forefront of this program.

Mayor Levine stated that the City acquired body cameras for its Police Officers before other municipalities were even discussing it.

Police Chief Oates recognized that the grant was awarded to Miami Beach in large part due to the City's partnership with Dr. Barak Ariel.

## 2:50:32 p.m.

R9P Discussion Regarding Allowing Leniency In Enforcement For Deliveries And Tourist Bus Disembarkation On Collins Avenue Between 63<sup>rd</sup> And 75<sup>th</sup> Streets For A Defined Daily Time Window Outside Of Normal "Rush Hour" Periods (Such As 9:00 a.m. - 3:00 p.m.), While Discussions For A More Permanent Solution Are Had.

(Sponsored by Vice-Mayor John Elizabeth Alemán)

**ACTION:** Discussion held. Motion made by Vice-Mayor Alemán; seconded by Commissioner Rosen Gonzalez. Voice vote: 6-1; Opposed: Commissioner Grieco. **Police Chief Dan Oates and Saul Frances to handle.**

### **MOTION:**

Allow the Police Department discretion to grant leniency in enforcement to tourist bus disembarkation, between the hours of 10:00 a.m. and 2:00 p.m., on Collins Avenue, from 63<sup>rd</sup> to 75<sup>th</sup> Street, until freight-loading zones are implemented.

Vice-Mayor Alemán applauded the efforts and progress made by previous Commissions to alleviate traffic, but there is much more work to be done. Between 63<sup>rd</sup> Street and 73<sup>rd</sup> Street on Collins Avenue there are no freight loading zones; there are hotels and commercial enterprises on the corridor and there is nowhere for tourist buses or delivery trucks to park, other than on Collins Avenue. Properties do not have on street provisions for it and it is negatively affecting the businesses. Although there is a great deal of effort to revitalize North Beach, they also want to protect the quality of life for residents; and the number one issue is traffic congestion. The Commission must ensure that the City has reasonable practices for conducting business, and that is the spirit of her proposal; that in the interim, while they do not have freight loading zones for these businesses, that they consider some leniency for delivery of freight, as well as tourists, who contribute to the City's economy.

Commissioner Grieco stated that Collins Avenue, especially north of 63<sup>rd</sup> Street, is a challenge. These establishments have room for buses to park, but the businesses instead park cars there. Commissioner Grieco respectfully stated that he is not in the business of rewarding lethargy. Residents have been screaming about it, and even people trying to get to work have been screaming about it. However, on that stretch in particular, there are not as many side streets. The hotels have sizable driveways where the bus can pull to the private property and unload the people instead of sitting in a lane of traffic. The hotels can do loading on side streets, but, just ignoring the State law, which is what they are being asked to do right now, and not enforce it creates a slippery slope, there needs to be strict liability. Improving the traffic flow in the City is the mandate from every single resident. In a seven square mile City, rush hour does not exist anymore; traffic is constantly terrible. There are no downtimes. He cannot be support leniency in any of the arteries in the City.

Discussion held.

Commissioner Rosen Gonzalez mentioned that she is confused, because the entire City Commission voted to exempt historic buildings from having onsite loading zones and now the Commission is saying be lenient.

Commissioner Grieco explained that part of that was upon approval of the Parking Department to create loading zones as part of their submittals. That is a completely different situation and it does not allow for cars, trucks and/or buses to block the major arteries of the City.

Mayor Levine expressed his personal opinion; he is pro-business but is anti-traffic, and he admits that he is against anything that affects traffic.

Commissioner Arriola is struggling with this vote, and maybe there is no conflict, but he voted against Mayor Levine and Commissioner Grieco last time on the issue of fining small businesses where there is double parking. Regarding this legislation, he does not think he will be in support, for the same reasons Commissioner Grieco stated.

Vice-Mayor Alemán stated that it is relevant that the nature of the topography of these properties, where driveways are inclined; and Commissioner Grieco proposed that tourist buses could pull up the driveway, which would then have the tourist bus be at an incline and she is not sure of the safety or feasibility of that recommendation. She is not talking about a 24/7, seven days per week leniency, but about establishing a 9:00 a.m. to 3:00 p.m., or 10:00 a.m., to 2:00 p.m., or perhaps tourist buses versus freight delivery, some sort of a window to allow, and maybe another compromise could be tourist buses versus freight deliveries. They need to do everything possible to provide a great hospitality experience for visitors, and dropping them several blocks away from their hotel and asking them to drag their suitcases, is not a good customer experience and concerns her.

Commissioner Steinberg called Captain Doce and spoke to him about it, to understand fully the dynamic of this item and this issue. Some areas have no place for them to go. Side streets are not designed for it, there are no driveways and some of them have driveways so small and so low that you cannot pull a truck through there. She is not in support of the idea of being lenient; but, on the other hand, there is something that they can do. There is a difference between a UPS truck and the tourist buses. She is not sure what they can do; perhaps finding a place where tourist buses stop, and then the group uses the shuttle service to take them to/from the hotels.

Mayor Levine stated that in New York City and other small towns, they do not allow 18-wheelers. He suggested having the delivery trucks invest in smaller trucks. The City should prohibit 18-wheelers trucks on local roads or double parking in City roads. He asked if they really want these massive tour buses in City's roads. This is a boutique unique destination.

Discussion held.

Commissioner Rosen Gonzalez is in support of leniency in the interim.

Chief Oates stated that Captain Doce has some ideas to share.

Captain Doce stated that when FDOT redesigned the roadway, it took away the parking spots on the sides. If they can come up with hours between 10:00 a.m., and 2:30 p.m., or 10:00 a.m., and 2:00 p.m., and offer them an opportunity to be able to unload these large amounts of tourists, because when they called him the last time they were cited, they had four tour buses that were stopping hour after hour, and every 20 minutes, they would unload. They cited all four buses. Those two operators are transporting 100 or 120 tourists into the City, and they themselves told

the hotel management that they were not coming back with tourists if they kept getting citations. He was informed that there is no place to put a bus. One Argentinian group, in particular, wanted to come together so they hired the entire tour bus and they brought them; it took them 20 minutes and they were cited. Now every day the same thing is happening.

Discussion continued.

Commissioner Grieco reiterated that he could come up with solutions for this hotel but these businesses just want the easy way out; if they clear their areas, there is room for the buses.

Discussion continued regarding possible options.

In answering Mayor Levine, Captain Doce explained that the popularity has increased so much that they are now a destination place in North Beach, and this was not so before. They had smaller numbers and people did not come with families, and now he is seeing an increase in families coming.

Vice-Mayor Alemán asked for an update on the freight loading zones, because her request for the City Commission to consider this leniency is a finite time, until proper loading zones can be implemented.

Mr. Saul Frances explained that this will be happening in the next couple of weeks and added that staff will be going to those businesses doing outreach, explaining the program, and it will probably take ten to 15 days to get it in. They have identified certain metered parking locations on the west side and 57<sup>th</sup> through 69<sup>th</sup> Streets.

Discussion continued.

Mayor Levine asked if this item should be referred to NCAC.

Discussion continued.

Motion by Vice-Mayor Alemán to grant leniency in enforcement to tourist bus disembarkation, between the hours of 10:00 a.m. and 2:00 p.m., on Collins Avenue, from 63<sup>rd</sup> to 75<sup>th</sup> Street, until freight-loading zones are implemented.

Commissioner Steinberg asked for clarification on the motion.

Vice-Mayor Alemán explained that the motion only applies to tourist busses.

Commissioner Steinberg suggested including "at the discretion of the Police Captain," so Captain Doce can make that recommendation during heavy traffic hours. The maker of the motion accepted the friendly amendment.

Motion seconded Commissioner Rosen Gonzalez.

Chief Oates suggested that the Police and Parking Enforcement be empowered to exercise reasonable discretion between the hours, as they may still cite tour buses.

**SUPPLEMENTAL MATERIAL 3: ADDITIONAL INFORMATION**

R9Q Consideration Of Straw Ballot On Whether Or Not To Retain City Of Miami Beach Red Light Camera Program.

(Sponsored by Commissioner Kristen Rosen Gonzalez)

**ACTION:** Discussion held. Heard in conjunction with Item C2B. **Office of the City Attorney to handle.**

**2:26:19 p.m.**

**ADDENDUM MATERIAL 1:**

R9R Discussion Regarding The Awarding Of Security Officer Services (Request For Proposals No. 2015-013-YG), On January 13, 2016, To The Number Two And Three Ranked Proposers, Allied Barton Security Services, LLC And G4S Secure Solutions (USA) Inc., To The Exclusion Of The Number One Ranked Proposer Kent Security Services, Inc.

(Sponsored by Mayor Philip Levine)

**ACTION:** Discussion held. See also comments with R9B1(8).

Mayor Levine introduced the item, which is strictly for discussion.

Jimmy L. Morales, City Manager, informed that the recommendation at the last Commission Meeting was entering into a bid with all three security companies, and the City Commission decided to award to Allied Barton Security Services, LLC and G4S Secure Solutions.

Discussion held.

Commissioner Malakoff moved to reconsider.

Commissioner Grieco explained, as a point of order, that procedurally, there would have to be a motion to reconsider from one of the people that voted on the winning side of argument last time; and then they would have to vote on the motion to reconsider, and then they can discuss it.

Discussion held.

Raul J. Aguila, City Attorney, stated that Commissioner Malakoff has made a motion to reconsider the prior award for the Security Guard contract services. He asked if there was a second to her motion. He explained that Commissioner Malakoff was on the prevailing side that voted in favor of the award of the contract, so her motion is proper and a second can be made.

No second was offered and motion failed.

Neisen Kasdin, representing Kent Security, is here with Shelley Tygielski, President, Kent Services, Inc., and Major Tollefson, a 29-year veteran of the Miami Beach Police Department. He stated that Kent Security was not treated fairly and in the manner and style that this City Commission customarily does business with respect to the security services contract. The City put out an RFP and the top ranked company was Kent Security. This matter came before the City Commission and ultimately Kent Security was dropped. What happened at that hearing was that a member of the Services Employees Union came up and made allegations against his client, which are unfounded and have been corrected. The City Manager addressed the issue, and in fact, stated that all allegations had been satisfactorily dealt with. Kent Security did not have the opportunity to respond to these unfair and untrue allegations. He pointed out that Kent Security is

the only locally based company here. This City Commission has established a way of proceeding where it is clear to people who do business with the City that they will be treated fairly and with an even hand and given an opportunity to respond to anything that may be said about them. If the City continues to do business in that fashion, he thinks the only fair thing to do is to give Kent the opportunity to respond, reconsider and include them in the bid.

Shelley Tygielski, President, Kent Services, Inc., stated that a Union representative at the last Commission meeting gave erroneous information and issued an advisory that Kent Security has a history of OSHA violations, labor abuses and wage theft. The SCIU asked an officer, who has never worked for Kent, to discuss his concerns about the company. Kent Security has been a staple of the South Florida community for over 30 years; as the fourth largest women-owned business in South Florida, Kent has always presented a culture of philanthropy, community and integrity. On January 13, while watching the Commission meeting on live webcast, their corporate team was in an absolute state of shock about the series of false statements and allegations made, and are still deeply disappointed by the decision undertaken by the Commissioners. The fact checking conducted by the Procurement Department and the Office of the City Attorney regarding the negative allegations made by the SCIU showed that there was no merit to them. She believes in due process, and knows that this is not what Kent was afforded that day. She wants to set the record straight and clear their name. She is also seeking reconsideration, because the decision undertaken by the Commission was done under false pretenses. Kent Security has an impeccable record with respect to its employees, and no court or administrative agency ever conclude that a violation of law occurred in any of the events described by Ms. Kinsley. In each instance referred by Ms. Kinsley, Kent Security Services took whatever action was necessary to protect its client's interests, and ensure uninterrupted security services at all its locations. In every instance, Kent Security has attempted to resolve any differences without extended conflict, while at all times protecting the interests of their clients. The examples cited by Ms. Kinsley were wrong and misleading. For example, a Kent employee claimed in 2008 that her employment was terminated for unlawful reasons. Kent Security believed it had done nothing wrong and denied any liability, but nonetheless, resolved the claim and it was dismissed by Court without trial. It is also not true that Kent was found to have underpaid City of Miami employees in 2011. In fact, the Director of Procurement, Alex Denis, stated last month that his Department conducted its due diligence and found that this was not the case. As proof of no wrongdoing, Mr. Denis pointed out that the City of Miami gave Kent very high marks and renewed their contract for a second term when they were called for reference for this RFP. Ms. Kinsley brought up the issue of safety, alleging that they had multiple OSHA violations. In fact, the only time OSHA ever cited Kent was in 2012 when one of the officers at the gatehouse was not wearing a reflective vest while standing outside the gatehouse. Kent Security voluntarily agreed to require its security officers to wear reflective gear while attending to vehicles passing through guard gates. Again, that agreement was reached without conflict, even though Kent Security had the legal justification to contest fully the claim. Had Kent been provided with the opportunity to respond to these allegations, they would have been able to refute each and every one of them; but unfortunately when Jerry Tollefson got up to speak last month, he was quickly shut down and denied the opportunity to do so. Kent is a company that has protected this community for the past 30 years, has served residents, businesses and guests of Miami Beach, even without being the security company of record for the City, and they will continue to do so regardless of whether they are recognized as the company that is going to serve the City or not. As the City's Director of Procurement pointed out last month, Kent has been vetted, and they satisfy every single measure required to become a provider for the City. Kent not only came in as a top ranked company by committee members, but they are also the lowest bidder. That means Kent is the best value for the City's taxpayers and the most qualified to do the job. The City of Miami, Miami-Dade County Public Schools and Miami-Dade County Special Taxing District all trust them to secure their infrastructure, residents and business. She asked that the Commission reconsider the decision to

remove Kent from the pool of security companies that will serve the City. Kent is the only local vendor and a cornerstone of this community.

Discussion continued.

Jerry Tollefson spoke.

Commissioner Grieco explained that by Robert Rules, if there is a motion to reconsider which fails, which already happened, only by unanimous consent could it be renewed.

Commissioner Malakoff stated that she thinks the Commission should reconsider, and sees no reason why the City cannot negotiate with all three firms, especially since Kent was selected as the number one ranked proposer.

No further action taken.

Handout or Reference Materials:

1. Memorandum from BlueRock Legal, P.A. RE: Alleged "labor abuses."

**3:20:26 p.m.**

**ADDENDUM MATERIAL 1:**

**SUPPLEMENTAL MATERIAL 3: MEMORANDUM**

- R9S Discussion Regarding The City Signing On To An Amicus Brief In Support Of The United States Environmental Protection Agency's (EPA) Clean Power Plan Rule.  
(Sponsored by Mayor Philip Levine)

**ACTION:** Discussion held. Motion made by Vice-Mayor Alemán; seconded by Commissioner Rosen Gonzalez. Voice vote: 7-0. **Elizabeth Wheaton and Office of the City Attorney to handle.**

Raul J. Aguila, City Attorney, introduced the item. On October 23, 2015, the EPA published the Clean Power Plant Rule, which set standards for carbon dioxide emission reduction from existing plants. Immediately after its filing, a number of states moved to challenge the Clean Power Plant rule. City Attorney Aguila is sorry to say that Florida was among them. The Office of the City Attorney has been contacted by Columbia University Law School, to see if the City would be interested in filing a friend of the Court brief in support of the Clean Power Plant rule. Already a number of cities have signed on, including the City of Pinecrest, West Palm Beach and Coral Gables. The US Conference of Mayors and the National League of Cities are also signing on. There is no cost to the City for doing this; the Office of the City Attorney would handle it in-house in coordination with Columbia University. City Attorney Aguila is asking permission to file the Amicus Brief.

**3:22:02 p.m.**

**ADDENDUM MATERIAL 1:**

R9T Discussion Regarding Directing The City Administration To Include In The Proposed Ordinance Relating To Historic Hotel Unit Sizes, Which Will Be On The March 9, 2016 Commission Agenda For First Reading, A Maximum Occupancy Per Room Of No More Than Four (4) Persons For Every 200 Square Feet.

(Sponsored by Commissioner Michael Grieco)

**ACTION:** Discussion held. **Thomas Mooney to handle.**

Commissioner Grieco introduced the item. Certain properties are looking to be designated historic, but do not fall in Historic Districts. One of the concerns he had was the Mayflower Hotel on the corner of 17<sup>th</sup> Street and Alton Road. His apprehension is that a hotel such as this one may become a hostel, where there will be six to ten people per room. He would like to give direction to staff as part of their drafting of the Ordinance, to limit occupancy to four people per room, which is standard for a hotel.

Thomas Mooney, Planning Department Director, stated that the Ordinance is coming for first reading on March 9, 2016. They are looking for direction and will modify accordingly. This Ordinance will only apply to hotels that want historic designation, but are outside the Historic District.

Discussion held.

**3:24:35 p.m.**

**ADDENDUM MATERIAL 1:**

R9U Discussion And Referral To The Neighborhood/Community Affairs Committee Regarding The City's Pending Application Before The Historic Preservation Board For An ADA Playground.

(Sponsored by Commissioner Kristen Rosen Gonzalez)

**ACTION:** Discussion held. No referral made and no action taken.

Commissioner Rosen Gonzalez introduced the item. She would like to defer the item so that the Sabrina Cohen Wellness Center and the ADA playground are built together to avoid the Wellness Center being in one location and the playground in another.

Commissioner Malakoff stated that wherever the Sabrina Cohen Wellness Center is located, there should be an ADA playground; but there is room in the City of Miami Beach for more than one playground for children of all abilities to enjoy, and they should not focus on having just one of these playgrounds.

Commissioner Arriola agreed with Commissioner Malakoff's statement.

Vice-Mayor Alemán explained that one of the sites looked at is 53<sup>rd</sup> Street. The Wellness Center has not been approved yet, but there is a playground currently being built in that location.

Discussion held.

Commissioner Steinberg believes the goal is to have all playgrounds in the City to be compliant with ADA capabilities.

City Manager Morales stated that they could order the equipment and adapt all playgrounds later to be ADA suited.

John Rebar, Parks & Recreation Department Director, stated that they can proceed as directed to budget and replace the current playground of 53<sup>rd</sup> Street, but they stopped production until the City Commission gives better notice.

Discussion held.

Commissioner Rosen Gonzalez believes that the residents of that neighborhood were never told about the park. There needs to be a happy medium to keep a small ADA park area.

Commissioner Malakoff met with City Manager Morales and several members from Allison Park and other members of the community, and she asked whether they would have a problem if the ADA playground was being located there, and they stated that their problem is with the Wellness Center, and would like to leave the park as a park.

Bob Marolo, Miami Beach Resident, stated that the residents objected to the large playground that was designed to go with the Wellness Center, and they do not want the trees removed.

City Manager Morales stated that two years ago they were directed to place an adaptive playground. The playground was never linked with the Wellness Center. They selected the North Beach area for its location.

Discussion continued.

**3:36:44 p.m.**

**ADDENDUM MATERIAL 2:**

R9V Discussion Regarding Renewal Of Progressive's Solid Waste Contract.  
(Sponsored by Commissioner Joy Malakoff)

**ACTION:** Discussion held. Motion made by Commissioner Grieco; seconded by Vice-Mayor Alemán to allow Administration to negotiate with Progressive and come back to the City Commission, and extend the proposal opening date until they bring the negotiated renewal terms; Voice vote: 7-0. **Eric Carpenter to handle.**

Commissioner Malakoff expressed that Progressive employees are very polite, they pick up trash that they see on the ground and their pricing is good. Commissioner Malakoff asked if the City Commission would consider renewing the contract with Progressive, the existing vendor, rather than sending it out for more bids, the Progressive will include the recycling of the textiles and electronics at their greenway site, at the same pricing they have today.

Discussion held.

Commissioner Grieco needs to be more informed about it.

City Manager Morales gave some background information on the item, and stated that Progressive was perceived positive by staff and they had good pricing. The Administration recommended renewing the contract last year, and the City Commission directed to go out to bid.

Commissioner Rosen Gonzalez requested improving the bulk pick up service and suggested designating one day a week to schedule it throughout the City.

Al Zamora, Sanitation Department Director, explained that they do not want piles of trash all over the City, and added that he schedule the pickups for the North, Middle Beach and South; contractors do pick up on Thursdays and Fridays and they instruct residents that before they put anything out, they must make an appointment, get a confirmation number and place the trash out 24 hours prior to the date given. There is a stipulation in the Progressive contract that states that residents must schedule within seven days. He added that the contract allows only four pickups per year. If there is any additional pickup, there will be additional cost.

Discussion held.

Commissioner Grieco asked if Progressive is being acquired in any way.

Mitchell Bierman, Esq., representing Progressive, stated that the company is in discussions with the West Coast based company to merge with them. Officially, they would be merged into Progressive, and all of the Florida personnel and operation would remain intact.

Commissioner Grieco asked how many waste haulers the City has a contract with at the current time.

Eric Carpenter, Assistant City Manager/Public Works Director, stated that for residential pickup there is one hauler, selected for a five-year initial term with three potential one-year renewals; this is the middle of the first one-year renewal; and it is Progressive.

Commissioner Grieco asked why services could not be re-negotiated regarding bulk pickup.

Vice-Mayor Alemán suggested authorizing the Administration to negotiate with them for more services with Progressive.

Al Zamora, Sanitation Department Director, stated that he would negotiate for more pickups in the contracts, and there are a number of things negotiated into the original contract; they have not raised the rates for the last two years and they contribute \$10,000 a year for educational piece.

Commissioner Rosen Gonzalez requested that every single Thursday, for example, they designate bulk pick up day in North Beach.

Mr. Zamora stated that the problem is that they pickup small bundles twice a week; however, bulk pickup is something unable to be bundled.

Discussion continued.

Mayor Levine stated that the item would come back with more terms and services. **Al Zamora to handle.**

Mr. Carpenter asked for the City Attorney's input, as they are under the Cone of Silence for the existing RFP. He asked if there are any concerns to negotiate with a potential bidder.

Raul J. Aguila, City Attorney, asked if the City Commission wants them to negotiate the renewal terms with Progressive, and bring back to the City Commission, or do they want to set aside the RFP as part of that motion. He also asked if they want to extend the time to submit proposals for the RFP to see what deals they can get from Progressive.

Mayor Levine stated that the direction is to negotiate the renewal and bring back to the City Commission.

City Attorney Aguila also needs the City Commission to extend the proposal opening date, until after they bring back the renewal term.

**3:46:04 p.m.**

**ADDENDUM MATERIAL 2:**

R9W Discussion On Muss Park Pavilion, Located At 4400 Chase Avenue.  
(Parks & Recreation)

**ACTION:** Discussion held. Motion made by Commissioner Steinberg to select the option of the enclosed building; building to be LEED certified, and the Administration to come back with the determination as to BFE; seconded by Commissioner Rosen Gonzalez. **David Martinez and Susy Torriente to handle.**

Commissioner Steinberg stated that they are close to moving the process forward and getting the park finalized in order to get it to function again. She explained that if any changes are to be made, this is the time to do it, since they are going through the application process at DRB.

David Martinez, CIP Director, stated that they developed a concept that captures what they were tasked to do over one year ago, and what will be presented to DRB in April.

Slide presentation shown.

Click [link](#) to view Fairway Park

Click [link](#) to view Muss Park Pavilion

Commissioner Steinberg explained the options available.

Discussion held.

Commissioner Grieco asked about upgrading the green space.

Mr. Martinez answered that this is not something they are looking at.

John Rebar, Parks and Recreation Department Director, stated that the landscaping on the south side is on the CIP scope, but they can address that separately when they do the playground.

Discussion held regarding timetable.

Mr. Rebar stated that the goal is to work closely with CIP to open together.

Mr. Martinez stated their timeline, if it is approved at DRB in April, the completion date will be approximately nine months.

Commissioner Steinberg asked if the City Commission wants to go with the full enclosed building, or without the door that opens and closes because of the maintenance yearly and cost that it will incur, and the height; she does not think a BFE +3 is necessary for that area. A BFE +1 is a significant height increase.

Discussion held.

Commissioner Malakoff stated that she would go for the saving, if they are still doing more than adequate facility that will stand for the next 30 or 40 years.

Commissioner Arriola would like to defer to the parents that will use the park with their kids, but as for Commissioner Malakoff's comments, if they are going to do this right, and it will last for 30 years, he will always go for the best option. Do things first class, especially for public spaces.

Discussion held.

Mr. Martinez added that the door is state-of-the-art equipment that just needs to be maintained to keep the functionality overtime.

Vice-Mayor Alemán stated that she prefers the building with the door option, and she is happy to have the park back in the community.

Commissioner Steinberg made a motion to select the option of the enclosed building; seconded by Commissioner Rosen Gonzalez.

Discussion continued regarding BFE.

Commissioner Malakoff stated that the plans include BFE +3.

Commissioner Steinberg stated that the facility is currently designed at BFE +3, based on how they are looking at everything in the City being designed that way. She suggested BFE +1 to make it accessible for handicap and children.

Discussion continued.

Commissioner Arriola asked if the City saves money by going to BFE +1.

Mr. Martinez explained that they save approximately \$125,000 by going to BFE +1.

Discussion continued.

Mr. Martinez stated that they could go with the savings of \$50,000.

City Manager Morales explained that the reason they recommended the design is because of complaints from parents of trying to protect children from the elements.

Commissioner Arriola added that the design is beautiful and first class. This enhances the neighborhood, which raises their property value. This is an investment for the City as well.

City Manager Morales added that the various neighborhood associations are supportive of this.

Discussion held.

Susy Torriente, Assistant City Manager, stated that this Commission meeting is not the best forum to make this decision. She stated that it depends on where they are building it, what is the elevation there now, and how long they expect the building to be here. She thinks they need answers to those questions to make that decision.

Commissioner Steinberg stated that she would leave it to the Administration's discretion to make those decisions as to BFE and come forward with the best option.

City Clerk Rafael E. Granado confirmed that the Commission wants the structure to be LEED certified and allow the Administration to decide on the BFE.

Mr. Martinez stated that the plan is to get it to construction, via NJPA process, by September, and an item to award the project will be placed on the Agenda in July.

### **R10 - City Attorney Reports**

R10A City Attorney's Status Report.

(Office of the City Attorney)

**ACTION:** Report given.

### **Reports and Informational Items**

1. Reports and Informational Items (see LTC 048-2016)
2. List Of Projects Covered By The Cone Of Silence Ordinance - LTC No. 043-2016.  
(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 1: LTC**

4. Miami Beach Convention Center Monthly Construction Project Update - LTC.  
(Office of the City Manager)

### **End of Regular Agenda**

Meeting adjourned at 4:02:12 p.m.