

MIAMI BEACH

Presentations & Awards/Commission Meeting

**City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive
February 24, 2016**

Mayor Philip Levine
Commissioner John Elizabeth Alemán
Commissioner Ricky Arriola – Absent
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

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

Meeting called to order at 5:00:25 p.m.

Pledge of Allegiance led by Police Major Mark Causey.

ADDENDUM MATERIAL 1:

R9C

SUPPLEMENTAL MATERIAL 1:

R2A Memorandum

R7A Memorandum, Resolution & Agreement

ADD EMERGENCY ITEM MOTION:**5:14:28p.m.**

Motion was made by Commission Grieco; seconded by Vice-Mayor Alemán to add Item R9B to the Presentation & Awards Commission Agenda; Voice-vote: 6-0; Absent: Commissioner Arriola.

ADD EMERGENCY ITEM ADDENDA MOTION:**5:14:51 p.m.**

Motion was made by Commissioner Rosen Gonzalez; seconded by Vice-Mayor Alemán to add Item R9C to the Presentation & Awards Commission Agenda; Voice-vote: 6-0; Absent: Commissioner Arriola.

City Clerk's Note

Items R9B and R9C are Non-Presentation items that were not approved by the Mayor or deferred from a previous Commission Meeting for inclusion in the Presentations & Awards/Commission Meeting, and therefore needed a 5/7th vote to be added to the agenda. The sponsor of the Non-Presentation item deemed that such item either constituted a public emergency affecting life, health, property, or public safety and should be considered immediately; or did not constitute a public emergency, but should be considered immediately. See Miami Beach Code Sec. 2-12 (e)/ Ordinance 2015-3954.

Presentations and Awards**5:01:32 p.m.****5:12:09 p.m.**

PA1 Employee Performance Recognition.
(Office of the City Manager)

ACTION: Recognition made. Certificates presented.

Jimmy L. Morales, City Manager, explained that this recognition is for employees recognized by their supervisors that exceed or significantly exceed their annual performance expectations for the last calendar quarter of the year. Unclassified employees received \$25 for exceeding expectations, and \$50 for significantly exceeding expectations. He added that only 25% of employees have achieved this performance standard, as it is not an easy thing to achieve. City Manager Morales thanked all the employees being recognized for the work they do.

Below is the list of City employees recognized from various departments:

CIP

Jose Velez and Mark Tomczyk

OFFICE OF THE CITY CLERK

Liliam Hatfield, Lillian Beauchamp, Lilia Cardillo, Isabel Satchell, Patrick Camm and Deowan Mahadeo from the Division of Central Services

CITY MANAGER

Tracy Hejl, Althea Peacock, Thais Vieira and Naima De Pinedo

CODE COMPLIANCE

Jorge Rios, Griselda Contreras, Manuel Villar, Jorge Hernandez, Antita Baquero and Miguel Romero

EMERGENCY MANAGEMENT

Rosanna Rebolledo

FINANCE

Allys Alvarez

FIRE

Cynthia Aguilar, Krysten Palma, Irma Plata, Jorge Linares, Desmond Page, Daniel Sullivan, Robert Dowling, Anthony Wilson, Robert Gibson, Jose Flores, Richard Quintela, Adam Barrett, Michael Olivares, Damon Keller, Kerri Speers, Dwight Nicholas, Enrique Roque, Stanley Garvin, Michael Yoder, Edward Ryan, Scott Todd, Adonis Garcia and Nelson Montes De Oca,

FLEET

Levan Gaters, Alfred Hayden, Kevin Outten and Jose Tellez

HUMAN RESOURCES

Lyssette Zamora

OBPI

Lauren Wynn, Elisa Alonso, Laura Franco-Rubines and Mark Coolidge

PARKS & RECREATION

Melody Perez, Alana Stinson, Bernika Blocker, Paulo Meneses and Alfredo Diaz

POLICE

Jorge Garcia, Arthur Martineau, Daniel Morgalo, Juan Pedroso, Grant Reid, Jenny Velazquez, Belkis Gomez, Lenett Holbrook, Albert Prieto, Christopher Mitchell, Martin Garcia, Guillermo Parada, Gilberto Ortiz, Leon Azicri, Gustavo Blacio, Angel Piedra, Jed Burger, David Hernandez, Eduardo Docampo and Arielle Guerrier

PROCUREMENT

Theresa Buigas

PUBLIC WORKS

Sandra Ortiz, Odalys Guevara, Eric Arencibia, Yanira Pineda, Margarita Wells, Manuel Cortinas, Aracelio Roque, Ivan Torres, Elliot Miller, Juan Iglesias, Michael Postell, Keiyatta Gardner, Gerald Coldros, Luis Godoy, Jesus Collado, Dudley Brown, Pablo Solano, Ronnia Holas, Pierre Petit, Jose Alfonso, Francisco Diaz, Moses Euline, Lickson Ferrier, Jorge Maldonado, Victor Martinez, Edwin Rivera, Marvin White, Moshe Richardson, Luis Caballero, Yazmin Querol, Stacy Mc Crae and Christopher Karleskey

Handouts or Reference Materials:

1. List of Recipients
2. Email from Leslie Rosenfeld dated February 23, 2016 RE: Performance Recognition Feb. 24

5:03:00 p.m.

PA2 Certificates Of Recognition To Be Presented To Officers Omar Marrero And Vincent Stella.
(Sponsored by Commissioner Michael Grieco)
(Deferred from January 27, 2016 - PA7)

ACTION: Certificates presented.

Commissioner Grieco stated that he receives emails when incidents happen, and these Officers went above and beyond the call of duty in stopping a suicide and saved a life. It takes a special person to get to do what they collectively did. He introduced Major Causey to explain the item.

Major Causey stated that this happened in the early morning hours, when a pregnant woman was on the railing on MacArthur Causeway ready to jump into the ocean. The Officers and the Coast Guard responded. The woman was about to jump and the Officers caught her on time. She was transported to Mt. Sinai Hospital and she was Baker Acted. It was a very sad situation.

Officer Omar Marrero stated that they were dispatched after an off duty Officer saw the woman getting up on the other side of the rail in the MacArthur Causeway. Officer Marrero explained that the woman was ready to jump, and since he is Crisis Intervention Team certified member, he approached her, talked to her in Spanish to try to convince her not to jump; however, she did not cooperate, but with the assistance of Officer Stella, they were able to pull her up when she tried to jump off the rail. The Department of Family and Children had taken her children away and she was distraught, and that was the reason she thought it was over for her. They were able to get her the help she needed.

Commissioner Grieco presented them with Certificates of Appreciation and explained that the awards are in recognition of the Officer's efforts, dedication and service to the community.

5:08:36 p.m.**NEW ITEM**

PA3 Certificate of Recognition to K-9 Gunny In The Apprehension Of An Armed Subject.
(Requested by Commissioner Steinberg)

ACTION: Certificate and Medal of Honor presented.

Commissioner Steinberg stated that the City has a great Police Department, and a great K-9 Unit; these K-9 dogs are also in harm's way at times, just as much as the Officers. She presented a Certificate to K-9 Gunny, partner to Officer Wilmer Mendoza, for locating and aiding in the apprehension of an armed subject. She also presented K-9 Gunny with a Medal of Honor.

Major Mark Causey stated that a violent armed robbery occurred within the City's jurisdiction. A Miami K-9 officer located the vehicle; however, this turned into a pursuit. There was a bailout in a large apartment complex and a request went out to all K-9 units. They responded and after a long search, Miami Beach Police K-9 Gunny located the subject, who violently fought Gunny, who received injuries to his nose from the subject trying to knock him down. The next day, they located the firearm in the schoolyard.

REGULAR AGENDA

R2 - Competitive Bid Reports

5:15:08 p.m.

SUPPLEMENTAL MATERIAL 1: MEMORANDUM

- R2A Request For Approval To Issue A Request For Proposals (RFP) No. 2016-100-KB For Design Build Services For Stormwater Pump Station At The Intersection Of Alton Road And North Bay Road And Associated Stormwater Improvements For North Bay Road.
(Public Works)
(Deferred from February 10, 2016 - R2A)

ACTION: Request approved: Motion made by Commissioner Malakoff; seconded by Commissioner Grieco. Voice-vote: 6-0; Absent: Commissioner Arriola.

Eric Carpenter, Assistant City Manager/Public Works Director, explained that this is the issuance of an RFP for a pump station at the intersection of 41st Street, Alton Road and North Bay Road, at the entrance to Mt. Sinai Hospital. This is an important pump station due to the proximity to the hospital and they desire to move this forward expeditiously.

City Manager Morales added that the area has been experiencing flooding in the past months.

R7 - Resolutions

5:16:09 p.m.

SUPPLEMENTAL MATERIAL 1: MEMORANDUM, RESOLUTION & AGREEMENT

- R7A A Resolution Approving And Authorizing The Mayor And City Clerk To Execute The First Amendment To A Joint Participation Agreement (First Amendment) With Miami-Dade County (County), Which First Amendment Is Attached Hereto As Exhibit 1; And Which First Amendment Proposes To Include Within The Scope Of Services The Harmonization Of Dade Boulevard Between The Venetian Bridge And Bay Road; With A Total Project Cost To The City Of \$9,865,000: \$6,745,000 For The West Avenue Bridge And \$3,120,000 For The Harmonization Of Dade Boulevard; And A Total Contribution By The County Of \$5,011,000, Of Which \$3,011,000 Will Be Used For The West Avenue Bridge Project, And \$2,000,000 For The Increased Scope Of Services Relating To Harmonization Of Dade Boulevard.
(Public Works)
(Deferred from February 10, 2016 - R7M)

ACTION: Resolution 2016-29308 adopted. Motion made by Vice-Mayor Alemán, seconded by Commissioner Malakoff to adopt the Resolution. Voice vote: 6-0; Absent: Commissioner Arriola.
Eric Carpenter to handle.

Eric Carpenter, Assistant City Manager/Public Works Director, stated that this is an amendment to The JPA with Miami-Dade County for the West Avenue Bridge project, which was originally funded by the County in the amount of \$3 million for property acquisition and construction costs; they asked for an additional \$2 million towards the raising of Dade Boulevard, to harmonize with the road and extend from Alton Road to the first Venetian bridge, in order to deal with the flooding that it is currently experienced at the intersection of Purdy Avenue. The City has raised the streets, and now

the County must pay to raise their streets. This has to be approved by the Board of County Commissioners, but the County has asked that the City approves the amendment to the JPA first, subsequently it will go to the Board of County Commissioners for ratification.

R9 - New Business and Commission Requests

5:17:31 p.m.

R9A Presentation By The New World Symphony On Their Partnership With The Harvard Graduate School of Design (GSD) Entitled "Boutique City" And An Update On The City's Partnership With The GSD For A Two-Year Design Studio To Study The Impacts and Potential Responses to Sea Level Rise In Miami Beach.

(Office of the City Manager)

ACTION: Presentation made; update given. **Elizabeth Wheaton to handle.**

Howard Herring, President of New World Symphony (NWS), explained that they have worked with the Harvard Graduate School of Design on some projects and are now coming back to partner with the City. He thanked the City Commission for the public/private partnership created around the building, which is really about the program and what they have done for the community, to mark their accomplishments and to look to the future. They are grateful for the \$1 a year lease agreed upon by the City and the NWS, and most grateful for the \$45 million the City invested into the \$190 million project for the building, park and garage itself. The NWS is an educational institution; their job is to train graduates of distinguished music schools for leadership in the field of classical music. To date, the NWS has 1,000 alumni that have transitioned into the professional world. 90% of their alumni are still in the music business, and that is a hard thing to maintain, but the NWS is very proud of them. As they move through the design phase, the NWS created a vision statement by envisioning a strong and secure future for classical music, and will reimagine, reaffirm, express and share its traditions with as many people as possible. The NWS's curriculum looks out to the community and anticipates the future of music and urban life. The NWS has an aggressive audience initiative, with three alternative performance formats, including WALLCAST. This audience is younger, diverse, and new to the art form. The NWS combines video and theater with music and creates new expressions, resonating with digital latex, through concert video profiles and high definition WALLCAST. Beyond productions, the NWS hosts over 90 third party rentals. They host celebrities, politicians, businesspersons and special events, such as the Pulitzer Prize recipients, in which Mayor Levine was present. There is comparable work on what bank and financial institutions are trying to do to get digital, and what the NWS is trying to do to digitize. These entities are looking to the NWS for guidance. The most dramatic success had is the WALLCAST. A survey conducted in 2014/2015 discovered that the NWS has the second youngest world audience in classical music, 34% identified as nonwhite. 25% have not attended the classical music concert in the last year; 75% have never been on the building; 80% percent come in groups of five or more as a social experience. The NWS is the center of gravity, not only culturally, but socially as well. There are also national and international repercussions. The Kennedy Center is building a wall just like theirs, and they are working with them on the development of content, and on the decisions regarding technology and audience development. They have grown from scattered cultural institutions, from the Miami City Ballet rehearsing in the storefront and the NWS in the Lincoln Theatre, to what is now a district, with FAENA on the north and the addition of the yearly Art Basel shows. The NWS has also benefited from RDA tax incremental funds. Tourists are coming back, from the Northeast United States, Europe and South America. The value of Art Deco architectures has been rediscovered and photographers now use the NWS in the backdrop for their photos published nationally. This district is thriving. The New World Symphony and Miami City

Ballet, Art Basel and the Wolfsonian will make it livelier. The renovated Convention Center will change the environment with Art Basel being the precursor of prominent events. The Lincoln Road Business Improvement District is now an important and positive energy in the area. Tourism, retail, entertainment, natural beauty and culture are the forces at work. In that revival period, in the 80s and 90s, the NWS worked independently. That is beginning to change. An example is the work that Harvard Graduate School of Design is doing with the City. In the Spring of 2015, Andrea Angaza, who designed the Soundscape Park, ran his studio based in Miami Beach; their group is coming back to work with the NWS and the City. In conversations with business owners and residents of Miami Beach, he proposed considering an articulated policy that acknowledges strengths, identifies opportunities, and creates physical and economic environments that encourage even more and better creative collaborations. Expressed as a cultural policy, they could address the following: Soundscape Park being developed further; implementing the Lincoln Road Master Plan to return culture to the venues; and suggested having 17th Street being an invitation for pedestrians crossing the street instead of a barrier. Culture is already enhancing the Miami Beach brand, and could be even more powerful if they were to artfully weave it into their marketing efforts. They need to graduate into public transportation from the mainland. Public transportation connectivity between cultural facilities in the district will be advantageous for tourists and for South Florida residents. Assuming that a light rail has a hub at or near the corner of 17th and Washington, it must be quiet and efficient, so that movies and WALLCAST, as well as future Soundscape presentations, are not compromised. Miami Beach is a laboratory that invites invention and they will be at the forefront in terms of urban innovation. The NWS looks forward to working with the City in future projects.

Mayor Levine stated that the NWS is a wonderful asset to the City.

Commissioner Malakoff stated that working with Soundscape Park and the New World Symphony is something the City must move forward without delay; the work with the Lincoln Road Master Plan, coordination and collaboration must be done, and the NWS is key to that. Having a connecting bridge over 17th Street has been discussed and it is something she thinks they can pursue as well. She congratulated the NWS for what they are doing with the Harvard School of Design.

5:30:15 p.m.

EMERGENCY ITEM

R9B Referral To The Next Finance And Citywide Projects Committee The Creation Of The Ocean Court Green Alley - Española Way (East) Green Alley.

(Sponsored by Commissioner Joy Malakoff)

ACTION: Item referred. Motion made by Commissioner Malakoff; seconded by Vice-Mayor Alemán to refer the item to Committee. Voice vote: 6-0; Absent: Commissioner Arriola. **Allison Williams to place on the committee agenda. Eric Carpenter to handle.**

Commissioner Malakoff introduced the item and stated this is to refer the item to the next Finance and Citywide Projects Committee in reference to monies that The Betsy Hotel is paying to improve the green alley.

5:30:38 p.m.

ADDENDUM MATERIAL 1:

R9C City Attorney's February 22, 2016, Request For An Opinion From The Florida Commission On Ethics Concerning Whether Mayor Levine Has A Voting Conflict On The Ordinance Seeking To Increase The Maximum Height And Reduce Setbacks In Sunset Harbour.

(Sponsored by Commissioner Kristen Rosen Gonzalez)

ACTION: Discussion held.

Raul J. Aguila, City Attorney, explained that this item, added at the request of Commissioner Rosen Gonzalez, is in regards to a Request for an Opinion from the State Commission on Ethics prepared at the request of Mayor Levine, to inquire if Mayor Levine has a conflict of interest with regard to voting on the upcoming LDR amendment for the Sunset Harbor project, set to be heard by the City Commission on first reading at the March 9, 2016 Commission Meeting. City Attorney Aguila requested a written opinion from the State Commission of Ethics, pursuant to Florida Statute 112.322, which provides that when in doubt, a public official may request an opinion in writing from the Commission on Ethics, and the official shall be bound, by that opinion. City Attorney Aguila transmitted his initial letter on February 22, 2016, and today, he was provided with a copy of Commissioner Rosen Gonzalez's memorandum, expressing the concern that he did not include all of the facts in the memorandum, in the summary of facts given to the Commission on Ethics. Specifically, there was a provision that Commissioner Rosen Gonzalez expressed concern about, with regard to a Declaration of Restrictive Covenants, which they received just now in draft form, and relative to the proposed project that is to be built in Sunset Harbor, which basically states that if additional properties are aggregated to the proposed development site, then there is the potential for an increased FAR. At this time, Mayor Levine is a member of a limited liability corporation, which owns property adjacent to the proposed project, so the issue is whether or not Mayor Levine has a voting conflict on the upcoming LDR item. In City Attorney Aguila's opinion, which is not definitive, as the final word is with the Commission on Ethics, merely owning property within the proposed zoning district, would be speculative and remote, and would not represent a special private gain, in this case to Mayor Levine, which would preclude the Mayor from having a voting conflict. However, City Attorney Aguila wanted to address Commissioner Rosen Gonzalez's concern with the State, and as always, with the City of Miami Beach, to be completely transparent and make sure all facts are given. City Attorney Aguila announced that today, he sent a supplemental to the request for opinion to the State, which includes Commissioner Rosen Gonzalez's memorandum, addressing the additional language proposed in the draft covenant with regards to the aggregation of properties, and whether the possibility to aggregate properties within the development site would represent a conflict of interest. There are specific facts that he obtained from Purdy Partners, LLC, which states that they have entered into a long-term lease on the adjacent property, which calls for major renovations to that property. These renovations have been reviewed and approved by the City's Design Review Board and Planning Board, and they are in the process of applying for a building permit. The representation was made by Purdy Partners that there is no intention, as far as Purdy Partners are concerned, of aggregating the property that Mayor Levine is part owner to the development site. This has been fully disclosed to the Commission on Ethics, and City Attorney Aguila is awaiting their opinion. Once an opinion is received from the State Commission on Ethics, there is also a written opinion from the County Ethics Code that Mayor Levine has requested, and City Attorney Aguila will meet with Joseph Centorino regarding this. Once again, City Attorney Aguila wants to let Commissioner Rosen Gonzalez know that her memorandum has been included, attached and transmitted to the State, and regardless of what his opinion is as to the voting conflict, the State has the final word.

Commissioner Rosen Gonzalez stated that when she was first elected, she, along with her colleagues participated in an Ethics Workshop with Joseph Centorino, who spoke about the art of the recusal; which is learning when to step away from a vote, if there could be a potential conflict. In this case, since Mayor Levine owns adjacent property, and those properties could be acquired and built into that project; she suggested that the Mayor considers a recusal.

Mayor Levine explained that as an entrepreneur and a businessperson, he has had some success in Miami Beach; he has built and developed all through the City, such as areas in Sunset Harbor. When this particular project was announced, a project that he is not involved in, he approached the City Attorney and asked his opinion regarding being allowed to vote. The City Attorney answered that this is not his property and he cannot get anything from it. Nevertheless, the Mayor suggested bringing this to the State and the County Ethics Commissions for a formal opinion, and that is what they have done. When the State and County Ethics Commissions decide, he will abide by their opinion. Whatever their decision is, he will abide by that. When Mount Sinai Hospital was involved in a big dispute with Baptist Hospital, and Baptist was an underdog and they were getting beat up, and there was a chance that they would not get involved in the City, he stepped in; when there is a situation where residents of an area feel like they are being bullied, as the Mayor he has an obligation to step in, but needless to say, if the State opines that he should not vote on this, or the County opines that, then he would recuse himself. When they were doing flood prevention on Alton Road, many people stated that he wanted to dry up the road because he owned property on Alton Road at 10th and he is flattered, but he is not the only person that owns property there. He will wait for the City Attorney to give him the ethics decision from the State and the County , and that is the decision he will abide by.

Commissioner Grieco added that this is something that anyone on the dais could have addressed the City Attorney about, and not necessarily something that will require a vote or be discussed at the dais; he thinks there are politics playing here, and is not sure why they are talking about it publicly. He asked if Commissioner Rosen Gonzalez had addressed her concerns/recommendations with the City Attorney.

City Attorney Aguila explained that he found out about this because he saw the Commission Memo, which he reviewed this morning. However, he did want to reiterate that Florida Statute 112.322 (3)(a) stated that when a public official, in this case the Mayor, is in doubt as to whether there is a voting conflict under State law, it is within their right to request the conflict of interest opinion from the State. City Attorney Aguila agreed that this is not a matter before the City Commission.

Discussion held.

Commissioner Rosen Gonzalez stated that several residents requested transparency on the issue.

Discussion held.

Commissioner Grieco requested another Commission on Ethics opinion; whether someone on the dais who has a personal relationship with one of the parties that may be contesting the specific project can vote on the project.

Commissioner Rosen Gonzalez stated that she has many personal relationships with different people contesting this project, there are people across the City that do not want this 80% increase, and there are people in this room with whom she has personal relationships.

Commissioner Grieco will address the issue with the City Attorney regarding seeking an ethics opinion as to whether Commissioner Rosen Gonzalez should recuse for having a personal relationship with one of the opponents to the project.

Mayor Levine added that the most important thing is that although the City Attorney opined that he did not have a conflict, he still asked the City Attorney to take it to the State Commission on Ethics and County Ethics for their opinion, and he will abide by that.

Commissioner Rosen Gonzalez stated that when the City Commission increases heights across the City, and when they sit in meetings all day long, and they talk about traffic, they are not looking at the big picture; they just want to build and build.

Mayor Levine stated that the issue here is that Commissioner Rosen Gonzalez is assuming that he is voting yes on something that he may be voting against. He thinks they should table that when it comes up for discussion. He thanked City Attorney Aguila for bringing that forward to the State, and whatever they decide that is how he is going to move forward.

City Attorney Raul J. Aguila explained that when he interprets State law with regard to conflicts of interest, it is not something that he takes lightly; he does not opine on perception, he opines on whether or not there is legal or a voting conflict. The assessment that he did in this case, reviewed past precedents from the Commission of Ethics. Ultimately, it is the State and County's decision, as they have jurisdiction.

Handouts or Reference Materials:

1. Letter from Raul J. Aguila, City Attorney, to Virlindia Doss, Executive Director, dated February 24, 2016, RE: Supplemental to Request for CEO Opinion, via email to doss.virlindia@leg.state.fl.us

End of Agenda

Meeting adjourned at 5:43:21p.m.