

MIAMI BEACH

City Commission Meeting**City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive
March 9, 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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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 8:31:48 a.m.

9:01:28 a.m.

Inspirational Message given by Reverend Pedro Martinez, from Iglesia Cristiana Amor, and Reverend Luis González, from H.O.P.E.

Pledge of Allegiance led by Chief Daniel Oates.

ADDENDUM MATERIAL 1:

R9Q

ADDENDUM MATERIAL 2:

C4J C4K C4L

SUPPLEMENTAL MATERIAL 1:

C4I Memorandum
R7L Memorandum, Resolution & Exhibits

SUPPLEMENTAL MATERIAL 2:

R7N Memorandum & Resolution

SUPPLEMENTAL MATERIAL 3:

R7I Memorandum
R7J Additional Information
4 LTC 097-2016

SUPPLEMENTAL MATERIAL 4:

C2C Memorandum
R7F Memorandum
R7I Revised Memorandum

8:58:46 a.m.

Rafael E. Granado, City Clerk, announced item R9C was withdrawn and that Commissioner Alemán is the sponsor of item C4G. He read the following corrections into the record:

CORRECTIONS:

R7F In Supplemental Material 4, Page 57, in the Item Summary/Recommendation section, paragraph 4, change the following: “On ~~October 14~~ September 2, 2015, in addition to”; and

On page 59 of the memo, in the City Manager’s Recommendation section, paragraph 2, change the following: “On ~~October 14~~ September 2, 2015, in addition to”

R7I A Resolution Accepting The Recommendation Of The City Manager ~~To Award~~, And Authorizing The Administration To Negotiate With The Sole Responsive Proposer, Bergeron Land Development, Pursuant To RFP No. 2016-062-KB For The Design Build Contract Of The West Avenue Bridge Over Collins Canal, With The Option To Include Or Exclude The Lincoln Court Pedestrian Bridge Over Collins Canal As Part Of The West Avenue Project. **(This change will be done globally.)**

ITEMS DEFERRED:

R2A & R2B

ITEMS WITHDRAWN:

R9C by Commissioner Rosen Gonzalez

RELATED ITEMS:

R7M & R9F

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

City Clerk’s Note:

Pursuant to Ordinance 2015-3954, Sec. 2-12(3), addendum agenda items R9Q, C4J, C4K and C4L 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.

CONSENT

9:03:27 a.m.

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

ITEMS SEPARATED:

Items C2B and C4G by Commissioner Alemán

Item C4H by Commissioner Arriola

Item C7C by Commissioner Grieco

Item C2C and C4B by Commissioner Malakoff

CONSENT AGENDA

C2 - Competitive Bid Reports

C2A Request For Approval To Award Contracts Pursuant To Invitation To Bid (ITB) No. 2016-004-MT Annual Inspection, Testing, Certification, Repair, And Maintenance For Fire Sprinklers, Fire Systems, And Hood Suppression Systems Citywide.
(Procurement/Property Management)

ACTION: Request approved. **Alex Denis and Anthony Kaniewski to handle.**

09:07:18 a.m.

C2B Request For Approval To Award A Contract Pursuant To Invitation To Bid ITB 2016-031-AK For Bus Transportation Services.
(Procurement/Parks & Recreation)

ACTION: Request approved. Item separated by Commissioner Alemán. See item C4I. Item referred. Motion made by Commissioner Alemán; seconded by Commissioner Arriola. Voice Vote: 6-0; Absent: Commissioner Grieco. **Alex Denis and John Rebar to handle.**

REFERRAL:

Neighborhood/Community Affairs Committee – Discussion regarding providing City transportation to schoolchildren who live within two miles of the public school they attend. **Morgan Goldberg to place on the committee agenda. Dr. Leslie Rosenfeld and Jose Gonzalez to handle.**

Commissioner Alemán asked if the City should offer a school bus, given that Miami-Dade Schools do not provide school bus service within two miles of schools. This policy leaves a gap in service, and traffic escalates greatly when parents drop-off and pick-up students. She asked whether this item should be referred to the Committee for Quality Education to work with Miami-Dade County Schools, and see if there is a demand from parents for a City school bus service.

Commissioner Rosen Gonzalez approves of the idea, and added that she lives within the two-mile school radius, and she feels frustrated that her children cannot use the school busses.

Discussion held.

City Manager Morales explained that the item approved on the Consent Agenda, C4I, is regarding the issue of transportation and the two-mile zone. He stated that they could discuss costs for such a project at the next NCAC meeting.

Commissioner Rosen Gonzalez stated that with what the City pays in ad-valorem taxes for education, the Miami-Dade School Board should fund this school bus project. She asked whether the "two-mile rule" was standard procedure throughout the County.

City Manager Morales stated that the two-mile rule is a Countywide policy, and the challenge will be that if the School Board approves the requested school bus service for Miami Beach, they would likely have to do so for the entire County. He added that conversations can be held, and they will begin the process at the next NCAC meeting. **Dr. Leslie Rosenfeld and Jose Gonzalez to handle.**

9:17:00 a.m.

SUPPLEMENTAL MATERIAL 4

C2C Request For Approval To Issue Proposal (RFP) 2016-086-WG For Health Plan Services And Benefits To The City Of Miami Beach Active Employees, Dependents, Pre-65 Retirees, And Post-65 Retirees. (Procurement/Human Resources)

ACTION: Request approved. Item separated by Commissioner Malakoff. Motion made by Commissioner Malakoff; seconded by Commissioner Arriola; Voice Vote: 6-0; Absent: Commissioner Grieco. **Alex Denis and Sylvia Crespo-Tabak to handle.**

Commissioner Malakoff stated that in terms of health plan service providers, she was unsure whether City employees were able to choose between Humana and AvMed. She wants to make sure that City employees have a choice in terms of health care options, because certain companies offer better service depending in different geographic areas.

Sylvia Crespo-Tabak, Human Resources Director, stated that the Wellness program is completely separate from the administrative services, because the City is self-insured. She is unsure as to which company will respond to the RFP, because it might even be completely different provider than the ones they have today. Having one provider would be administratively easier, but they will recommend a second carrier to make sure employees have access to the Baptist Health South Florida network.

Commissioner Arriola stated that City employees should have at least two options available, and although it would be administratively easier to have one provider that does not outweigh the importance of choice to City employees.

Ms. Crespo-Tabak agreed with Commissioner Arriola's statement.

C4 - Commission Committee Assignments

C4A Referral To The Neighborhood/Community Affairs Committee - Discussion On Public Waterborne Transportation Concession Services.
(Transportation)

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

09:19:43 a.m.

C4B Referral To The Planning Board - Proposed Amendments To Chapter 126 And Chapter 46 Of The City Code Pertaining To Landscaping.

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

ACTION: Item referred. Item separated by Commissioner Malakoff. Motion made by Commissioner Malakoff with the direction to keep street trees maintained by the City; seconded by Commissioner Alemán; Voice-vote: 7-0. **Thomas Mooney to place on the Planning Board agenda and to handle.**

DIRECTION:

- Keep street trees maintain by the City;
- Start an aerial tree survey to identify further heritage trees. **Elizabeth Wheaton to handle.**

Commissioner Malakoff stated that page 60 of the agenda, under Section 126-16(d), reads that when trees are planted within the right of way, the owners of land adjacent to the right of way areas where street trees are planted must maintain the lawn grass and plants in those areas. Street trees on the other hand are maintained by the City. She believes this should remain that way, and highlighted another section of the same Ordinance, which states that the owners of adjacent properties are responsible for taking care of the trees that the City has planted on the swale area. When this item is referred to the Planning Board, they can discuss this further, but she believes that we must keep street trees maintained by the City, as that is the best way to keep healthy and strong trees.

Commissioner Alemán added that the current tree inventory taking place focuses only on public property. She asked Ms. Wheaton to elaborate, and see if other members of the City Commission were interested in expanding the inventory to inventory heritage trees on private property.

Elizabeth Wheaton, Environmental and Sustainability Director, explained that the issue is access to the heritage trees on private property. She suggested possibly identifying trees from aerial surveys, and then asking property owners if they would like to designate their trees as heritage.

Discussion held.

Commissioner Alemán asked to include direction to add aerial survey inventory. **Elizabeth Wheaton to handle.**

City Manager Morales stated that the item would be brought back to the City Commission if more information were needed. The public tree survey is almost finished, but an aerial survey can be started.

Ray Breslin stated it is his understanding that anyone who wants to remove a non-invasive tree must get a City permit, which they need to explain why they are removing the tree, and what they will replace it with. He added that there were many beautiful royal palm trees all around the Convention Center, and asked why they could not have been replanted instead of being cut-down.

C4C Referral To Sustainability And Resilience Committee - Discussion Regarding Green Corridor Program As Authorized Under Section 163.01, Florida Statutes, A/K/A The Green Corridor Property Assessment Clean Energy (PACE) District.

(Sponsored by Commissioner Kristen Rosen Gonzalez)

ACTION: Item referred. **Elizabeth Wheaton to place on the committee agenda; Office of the City Attorney and Allison Williams to handle.**

C4D Referral To The Land Use And Development Committee - Discussion Regarding Incentivizing Workforce Housing In The Private Sector.

(Sponsored by Commissioner Michael Grieco)

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

C4E Referral To The Finance And Citywide Projects Committee To Discuss Implementing An Open Data Policy.

(Sponsored by Commissioner Ricky Arriola)

ACTION: Item referred. **Allison Williams to place on the committee agenda. Ariel Sosa to handle.**

C4F Referral To The Sustainability And Resiliency Committee To Discuss Miami-Dade County's Grease Discharge Permitting Program Within Miami Beach.

(Environment & Sustainability)

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

09:03:33 a.m.

C4G Referral To The Sustainability And Resiliency Committee To Discuss The Seabin Project As An Option To Reduce Litter In The City's Waterways.

(Sponsored by Commissioner John Elizabeth Alemán)

(Environment & Sustainability)

ACTION: Item referred. Item separated by Commissioner Alemán. Motion made by Commissioner Alemán to refer and evaluate the potential of a pilot program; seconded by Commissioner Arriola. Absent Commissioner Grieco. **Elizabeth Wheaton to place on the committee agenda and to handle.**

Commissioner Alemán introduced the item. The "Seabin" is a new product from an Australian group that helps clean the waterways by directing litter into a bin that can later be emptied and the waste disposed. She spoke to the City Manager about it, and there is potential to bring the Seabin to Miami Beach as a pilot program.

Video shown at 9:05:06 a.m. <https://www.youtube.com/watch?v=snYhCdOgFmQ>

09:11:36 a.m.

C4H Referral To The Land Use And Development Committee To Discuss The Removal Of The "Wing" Structure On Lincoln Road.

(Property Management)

ACTION: Item referred. Item separated by Commissioner Arriola. Motion made by Commissioner Arriola; seconded by Commissioner Alemán; Voice-vote: 6-0; Absent: Commissioner Grieco. **Thomas Mooney to place on the committee agenda; Adrian Morales to handle.**

Former Commissioner Nancy Liebman passed a copy of a book entitled "Carlos Zapata – The Restlessness of Architecture." Mr. Carlos Zapata, a respected architect, designed the entire 400 Block of Lincoln Road. Part of the design was an intercommunication center, which is what the design that is being discussed is supposed to be. He designed it beautifully. When the time came to build the design, the City leadership, and she was on the Commission at the time, wanted to do something unique – it was a new day on Lincoln Road and Lincoln Road was beginning to blossom. Mr. Zapata did a

wonderful job designing the 400 Block, in there he incorporated what is now being referred as the "Wing" structure, but Ms. Liebman stated that it is actually called "the Roach". The City leadership had "the Roach" built by Public Works, which is indicative of the lack of respect the then Administration had for Mr. Zapata's work. She is not asking that the present Administration to anything in particular with "the Roach," but she wanted them to know that there is more to the piece than it appears. This is a lesson, as we build new things in the City, that we cannot shuffle it off to Public Works. If this had gone through proper channels, it would have been designed to have the information center as part of it; but the City staff and the managers of Public Works did not think it was important enough. She asked the City Commission, out of respect for Carlos Zapata, to not simply demolish the structure, and to contact Mr. Zapata.

Commissioner Malakoff stated that the "Wing" does not belong in its current location, as this area has been completely redesigned by James Corner Fields. Commissioner Malakoff stated that it should be Arts in Public Places that discusses further the future of this work. She agreed with Ms. Liebman that we should speak with designer Zapata, and find a new location for it.

SUPPLEMENTAL MATERIAL 1: MEMORANDUM

C4I Referral To The Neighborhood/Community Affairs Committee - Traffic Management Alternatives Discussed At The February 24, 2016 Commission Workshop On Traffic Management.
(Transportation)

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

ADDENDUM MATERIAL 2

C4J Referral To Neighborhood/Community Affairs Committee To Discuss Traffic Calming Efforts On Prairie Avenue And In Bayshore Neighborhood.
(Sponsored by Commissioner Michael Grieco)

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

ADDENDUM MATERIAL 2

C4K Referral To The April 20, 2016 Land Use And Development Committee – Discussion Pertaining To Development Regulations And Guidelines For New Construction In The Palm View Historic District To Address Resiliency, Sustainability And Adaptation.
(Sponsored by Commissioner Joy Malakoff)

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

ADDENDUM MATERIAL 2

C4L Referral To The Finance and Citywide Projects Committee To Discuss Financing And Production Of The 2066 Miami Beach Time Capsule & Rising Above Project.
(Sponsored by Mayor Philip Levine)

ACTION: Item referred. **Allison Williams to place on the committee agenda. Gloria Baez and Djordje Milekic to handle.**

C6 - Commission Committee Reports

C6A Report Of The February 3, 2016 Land Use And Development Committee Meeting: **1.** Presentation Of The Mayor's Ocean Drive Task Force Final Report. **2.** Sidewalk Café Ocean Drive Umbrellas - An Ordinance 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 5th Street And 15th 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.

ACTION:

1. Presentation Of The Mayor's Ocean Drive Task Force Final Report.

MOTION: MG/JA (3-0)

- Move the recommendations, based upon the spreadsheet provided, to the March 9, 2016 City Commission Meeting
- Include all recommended revisions to the specific items discussed
- Any recommendation on the spreadsheet not specifically discussed can be transmitted as favorable.

2. Sidewalk Café Ocean Drive Umbrellas Ordinance

AFTER-ACTION:

Removed from agenda by acclamation

C6B Report Of The February 17, 2016 Land Use And Development Committee Meeting: **1.** 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. **2.** Annual Evaluation Of Parking Impact Fee Structure. **3.** 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. **4.** Discussion Regarding The City Of Miami Beach's Building Permit Application Process. **5.** Ordinance Amending Height And Setbacks For Mixed-Use Development In The Sunset Harbour Neighborhood. **6.** Discussion Regarding A Complete Review Of Sign Ordinances. **7.** Discussion Regarding Short Term Rentals In North Beach. **8.** Proposed Ordinance Setting Forth Demolition Procedures For All Single Family Homes, Regardless Of The Year Of Construction. **9.** CMB Preparations For Likely Passage Of State Medical Marijuana Constitutional Amendment. **10.** Discussion Pertaining To A Proposed Ordinance Amendment To Create Operational Regulations For Alcoholic Beverage Establishments Adjacent To The Palm View And West Avenue Residential Areas.

ACTION:

1. Proposed Zoning Ordinance Amendment To Allow A 'Hall For Hire' As Conditional Use

MOTION: MG/JA (3-0)

Continue to March 30, 2016. Staff to draft an Ordinance and more public outreach to be undertaken by the Temple.

2. Annual Evaluation Of Parking Impact Fee Structure.

MOTION: Continued to April 20, 2016 by Acclamation

3. Proposed Revisions To Chapter 126 Of The Land Development Regulations**MOTION: MG/JA (2-1)**

Recommend that the Ordinance be sent to the Planning Board with a favorable recommendation, including the current requirement that homeowners maintain swale trees.

City Clerk's Note: See C4B

4. Discussion Regarding The City Of Miami Beach's Building Permit Application Process.**MOTION: Continued to March 30, 2016 by Acclamation****5. Ordinance Amending Height And Setbacks For Mixed-Use Development In Sunset Harbour****MOTION: JA/JM (2-1)**

Recommend that the City Commission refer the proposed Ordinance to the Planning Board with a favorable recommendation.

6. Discussion Regarding A Complete Review Of Sign Ordinances.**MOTION: Continued to March 30, 2016 by Acclamation****7. Discussion Regarding Short Term Rentals In North Beach.****MOTION: MG/JA (3-0)**

Continue to March 30, 2016. Staff to draft a revised Ordinance and include a provision for minimum renovation requirements.

8. Ordinance Setting Forth Demolition Procedures For Single Family Homes**MOTION: MG/JA (3-0)**

Continue to March 30, 2016 to draft an Ordinance only on demolition procedures and to provide the fiscal impact of review of all homes by Design Review Board.

9. CMB Preparations For Likely Passage Of State Medical Marijuana Constitutional Amendment.**MOTION: Continued to April 20, 2016 by Acclamation****10. Proposed Ordinance Amendment For Alcoholic Beverage Establishments Adjacent To Palm View & West Avenue Residential Areas.**

MOTION: Continue to March 30, 2016 by Acclamation. Staff to prepare a draft Ordinance in accordance with the discussion, for review on March 30, 2016

C6C Report Of The February 12, 2016 Neighborhood/Community Affairs Committee Meeting: **1.** Discussion Regarding Revisions To The Beachfront Concession Rules And Regulations. **2.** Wellness Center Update. **3.** Discussion Regarding Citywide Street Light And Coverage Audit. **4.** Discussion Regarding Proposed Beach Concession East Of South Pointe Park. **5.** Discussion Regarding Proposed Site Options For New Fire Station No. 1. **6.** Discussion Regarding Implementing A Rainbow Crosswalk At The Intersection Of Ocean Drive And 12th Street On Miami Beach. **7.** Discussion Regarding The Possible Addition Of A Skate Park In North Shore Open Space Park. **8.** 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. **9.** Monthly Crime Update (Recurring Item On A Monthly Basis). **10.** Discussion Regarding A Mid-Beach Intermodal Facility. **11.** Discussion On Encroachments In The Right-Of-Way. **12.** Monthly Progress Reports For The Following Miami Beach Feeder Pattern Schools: Feinberg Fisher; Biscayne Elementary; Treasure Island; And Nautilus Middle School. **13.** Discussion Regarding The Installation Of A Pedestrian Crosswalk Over Alton Road At 57th Street, To Connect Bus Stop On Opposite Sides Of The Street. **14.** Discussion On Renaming/Dedicating The Stage At The Bandshell In Honor Of Mr. Clark Douglas Burris.

ACTION:

1. Discussion Regarding Revisions To The Beachfront Concession Rules And Regulations.

AFTER-ACTION

DIRECTION: Defer to the March NCAC Meeting.

2. Wellness Center Update.

MOTION: Commissioner Grieco motioned to take Allison Park off the option list for the wellness center. Commissioner Rosen Gonzalez seconded to take Allison Park off the option list for the wellness center.

DIRECTION: Commissioner Grieco said to come back to the March NCAC meeting.

3. Discussion Regarding Citywide Street Light And Coverage Audit.

DIRECTION: Come back to the March NCAC meeting with an update.

4. Discussion Regarding Proposed Beach Concession East Of South Pointe Park.

DIRECTION: Defer to the March NCAC meeting.

5. Discussion Regarding Proposed Site Options For New Fire Station No. 1.

DIRECTION: Continue item to March NCAC meeting.

6. Discussion Regarding Implementing A Rainbow Crosswalk At The Intersection Of Ocean Drive And 12th Street On Miami Beach.

DIRECTION: Come back to the March NCAC meeting with an update.

7. Discussion Regarding The Possible Addition Of A Skate Park In North Shore Open Space Park.

DIRECTION: Defer to the April NCAC meeting.

8. 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.

MOTION: Commissioner Rosen Gonzalez motioned to not bring padel to Flamingo Park and to keep the existing buildings intact with the courts that are there and workout the 4 additional single wall courts. Vice-Mayor Steinberg seconded the motion.

DIRECTION: Go to commission for approval.

9. Monthly Crime Update (Recurring Item On A Monthly Basis).

NO ACTION TAKEN

10. Discussion Regarding A Mid-Beach Intermodal Facility.

MOTION: Commissioner Rosen Gonzalez moved for Jose Gonzalez to find other sites for the debris storage in order to use the site as an intermodal facility. Commissioner Alemán seconded Commissioner Rosen Gonzalez's motion; she thinks it is worthwhile to pursue a parking garage there.

DIRECTION: Come back with an update in 2 months to the April NCAC meeting.

11. Discussion On Encroachments In The Right-Of-Way.

DIRECTION: Come back to March NCAC meeting with details.

12. Monthly Progress Reports For The Following Miami Beach Feeder Pattern Schools: Feinberg Fisher; Biscayne Elementary; Treasure Island; And Nautilus Middle School.

DIRECTION: Defer to the March NCAC meeting.

13. Discussion Regarding The Installation Of A Pedestrian Crosswalk Over Alton Road At 57th Street, To Connect Bus Stop On Opposite Sides Of The Street.

MOTION: Commissioner Alemán motioned to initiate study with FDOT. Commissioner Rosen Gonzalez seconded the motion.

14. Discussion On Renaming/Dedicating The Stage At The Bandshell In Honor Of Mr. Clark Douglas Burris.

MOTION: Vice-Mayor Steinberg motioned to have this item go to the full Commission with a favorable recommendation at this time. Commissioner Rosen Gonzalez seconded to have this item go to the full Commission.

C6D Report Of The February 17, 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. **6)** Referral To Discuss Prohibiting Contractors From Using Roundup And Other Chemicals Labeled As Carcinogens In Public Spaces. **7)** Referral To Discuss The Elimination And/Or Phasing Out Of Gas-Powered Leaf Blowers. **8)** Referral To Discuss Establishing A Kayak Sharing Program At Select Waterfront Parks.

ACTION:

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

ACTION: Request City Commission to refer a discussion item regarding Miami-Dade County's grease discharge permitting program to the next Sustainability and Resiliency Committee Meeting.

2) Sustainability Committee Update.

MOTION: No further action taken.

3) Update On Improving Resiliency Of Government Buildings And Operations To Reduce And Mitigate The Impacts Of Greenhouse Gases.

AFTER ACTION:

No action taken.

4) Discussion Regarding Potential Drafting Of Plastic Bag Ban Ordinance In Anticipation Of The State Pilot Program.

MOTION: No further action taken.

5) Discussion Implementing Citywide Textile And Electronic Recycling.

MOTION: Refer item to City Commission with favorable recommendation. Motion made by Commissioner Arriola, seconded by Commissioner Rosen-Gonzalez

6) Referral To Discuss Prohibiting Contractors From Using Roundup And Other Chemicals Labeled As Carcinogens In Public Spaces.

ACTION: Item deferred to the March 30, 2016 Sustainability and Resiliency Committee.

7) Referral To Discuss The Elimination And/Or Phasing Out Of Gas-Powered Leaf Blowers.

ACTION: Item deferred to the March 30, 2016 Sustainability and Resiliency Committee.

8) Referral To Discuss Establishing A Kayak Sharing Program At Select Waterfront Parks.

ACTION: Request City Commission to refer a discussion item regarding the Seabin Project to the next Sustainability and Resiliency Committee.

City Clerk's Note: See C4G

C7 - Resolutions

C7A A Resolution Approving And Authorizing The City Manager, Or His Designee, To Apply For, Accept, 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) State Of Florida Emergency Medical Services (EMS) In The Approximate Amount Of \$70,000; 2) FM Global In The Approximate Amount Of \$3,000; 3) Artplace In The Approximate Amount Of \$350,000.

(Budget & Performance Improvement)

ACTION: Resolution 2016-29308* adopted. Ramon Suarez to appropriate the funds if accepted. **Judy Hoanshelt to handle.**

City Clerk's Note: *Resolution number 2016-29309 was previously assigned, thus the numbers herein are not in sequence.

C7B A Resolution Approving In Substantial Form And Authorizing The Mayor And City Clerk To Execute A Special Construction Agreement With AT&T In The Amount Of \$181,322; A Right-Of-Way Agreement For Underground Conversions With Florida Power And Light (FPL); And An Applicant-Installed Facilities Agreement For Underground Conversions With FPL, All Of Which Relate To The Underground Conversion Of Overhead Utilities On Hibiscus Island, Which Shall Be Funded Through Special Assessments Collected By Miami-Dade County And Remitted To The City.

(Capital Improvement Projects)

ACTION: Resolution 2016-29310 adopted. David Martinez to handle.

09:25:38 a.m.

C7C A Resolution Waiving, By 5/7th Vote, The Competitive Bidding Requirements, Finding Such Waiver To Be In The Best Interest Of The City; And Approving And Authorizing The Administration To Simultaneously Negotiate With Six Payment Services Corp And Payment Express, For A Gateway Provider Of Credit Card Processing Services For The City's Gated Parking Revenue Control System; And Further Authorizing The City Manager To Execute An Agreement With The Firm Deemed To Be In The Best Interest Of The City Upon Conclusion Of Successful Negotiations By The Administration.

(Parking)

ACTION: Resolution 2016-29311 adopted. Item separated by Commissioner Grieco. Motion made by Vice-Mayor Steinberg, seconded by Commissioner Arriola; Voice-vote: 6-1; Opposed: Commissioner Grieco. **Saul Frances to handle.**

Commissioner Grieco expressed his continuous opposition to all gated parking revenue control items. He believes it is not a good investment, because the City is spending millions of dollars to update a system, when there are alternative ways to generate revenue, such as pay stations and apps.

Saul Frances, Parking Director, stated that there was an analysis of gated and metered garage systems. He explained that there were inherent costs with the metered system in terms of labor costs, because they require enforcement, and the costs to City staff is much higher than with contracted services. The equipment is expensive, but in the long term, there will be labor cost savings.

Discussion held.

Commissioner Arriola agreed with Commissioner Grieco that the gates are antiquated, and he asked why people could pay by app on the street, but the same could not be done in City parking garages.

City Manager Morales explained that this item is in regards to waiving bids to the two credit card processing companies. The contract for the gate installation was awarded months ago.

Discussion continued.

Commissioner Grieco stated that he separated this item to inform everyone on the dais of what is going on in terms of the gated garages, because this was something that was inherited from the previous City Commission.

- C7D A Resolution Accepting The City Manager's Recommendation And Waiving, By 5/7th Vote, The City's Competitive Bidding Requirement, Finding Such Waiver To Be In The Best Interest Of The City, And Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 1 To The City's Agreement With Atlantic Paving Co., Inc. For The Painting And Striping Of Dedicated Bicycle Lanes Across The City, Pursuant To Invitation To Bid (ITB) No. 2016-002-KB, In An Amount Not To Exceed \$886,000.

(Procurement/Transportation)

ACTION: Resolution 2016-29312 adopted. Alex Denis and Jose Gonzalez to handle.

- C7E A Resolution Waiving The Special Event Fees, In The Total Amount Of \$28,517.20, For The 2016 Miami Beach Gay Pride Event.

(Sponsored by Vice-Mayor Micky Steinberg)

ACTION: Resolution 2016-29313 adopted. Max Sklar to handle.

- C7F A Resolution Waiving The Space Rental Charges, In The Amount Of \$2,550, At The Colony Theatre For The Miami Gay And Lesbian Film Festival, Inc., A Non-Profit 501(c)3 Organization, For Events Taking Place In Miami Beach From April 22 – May 1, 2016.

(Sponsored by Commissioner Ricky Arriola)

ACTION: Resolution 2016-29314 adopted. Max Sklar to handle.

End of Consent Agenda

REGULAR AGENDA**R2 - Competitive Bid Reports****1:59:19 p.m.**

R2A Request For Approval To Issue A Request For Proposals (RFP) No. 2016-090-KB For Design Build Services For West Avenue Improvements Phase II South Of 14th Street.
(Procurement/Public Works)

ACTION: Request approved. Heard in conjunction with R2B. Motion made by Commissioner Alemán to approve the request with the policy direction listed below; seconded by Commissioner Malakoff; Voice-vote: 7-0. **Alex Denis and Eric Carpenter to handle.**

POLICY DIRECTION:

Incorporate protected bicycle lanes where the right-of-way allows

Eric Carpenter, Assistant City Manager/Public Works Department Director, stated that this is Phase 2 of the West Avenue neighborhood improvement project. They accelerated Phase 1 with the installation of pumps and are looking to come back and do the remaining of the neighborhood improvements. They recommended breaking this large project into two separate RFPs for design/build services, 14th Street being the center point, and 14th to 8th and 14th to Lincoln to complete the neighborhood.

Mayor Levine asked if this was a cosmetic improvement rather than installing pumps.

Mr. Carpenter explained that all of the other Stormwater pumps were included in the original Phase 1 contract. It also includes water pipes and Stormwater trunk line to be connected along West Avenue between 8th Street and Lincoln; along with streetscape improvements.

Commissioner Grieco asked if the funding is in place and the project is ready to move forward.

Mr. Carpenter stated that they have some of the money in the current Stormwater bond and also anticipate moneys to come out of the next tranche; they have already done the water and sewer rate increase to cover those costs for the infrastructure that is being placed. They may have a funding shortfall with the above ground project, and if so, they will identify additional funding.

City Manager Morales explained that the City has also negotiated a line of credit, at the City Commission's direction, which significantly increases the funding to fund projects pay-as-you-go, which are backed up with bond funding, so there should be no cash flow issues.

Commissioner Grieco stated that the substance of this project is that Bergeron was to do the pumps for the Alton Road project, and they kept them on. This is a design/build with landscaping, and it is a completely different situation. This is the reason to not repeat the same thing done at Sunset Harbor; this is a completely different project.

Mr. Carpenter explained that when the City Commission waived bid on the Bergeron project because of the flooding emergencies, now that they believe the majority of the flooding emergency has been mitigated, they can go through the normal procurement process they prefer to ensure they get the most competitive proposals from contractors.

Mayor Levine thinks that they must move away from accepting the lowest price bidder. He asked how they can assure themselves that they will never repeat a "Lower North Bay Road" on West Avenue, and what will they do differently in this bidding and evaluation process so as to not to repeat the same mistake. This is crucial.

Mr. Carpenter explained that they are trying to get to the two fair prospects, by qualification first, and then by price; if there is some equity between the two, they will ensure that they are dictating time as part of the procurement process.

Discussion continued.

Commissioner Malakoff asked if they obtain references for the bidders from other municipalities to see if their work was on budget, on time and efficient.

Mr. Carpenter stated that they do reach out to municipalities to obtain references.

Motion made to approve the request made by Commissioner Alemán, seconded by Commissioner Malakoff. Voice vote taken.

Bernardo Sandoval, President for Mirador 1035 Condominium Association, Inc., and on behalf of 1300 property owners, The Bentley and The Floridian board members, thanked the City Commission for giving them back dry streets on West Avenue. They have been working closely with Public Works, Eric Carpenter and Bruce Mowry, who are fantastic City ambassadors. However, they are not entirely happy with the designs by the streetscape committee, so they asked that the City Commission defer the item so they can get better pricing.

Seth Rolokoff is thankful for the work the City Commission has done, but in speaking to residents, the concern is the fact that their needs are not being addressed, that the traffic study done did not take into account some of the commercial aspects; 10th and 11th Streets are the access points to Alton Road from West Avenue to Collins Avenue, and there is a great deal of traffic currently, and this is going to create backup traffic. They are also in the midst of forming a West Avenue Master Association, the residential boards are going to be actively involved, and they want to give their input. In answering Commissioner Grieco's question, he explained that the neighbors found out about the streetscape design four days ago, they never received public notice. They asked that if they include a traffic study, make sure to include a commercial aspect as well.

Discussion continued.

Mr. Sandoval added that the turning lane is a big issue that may cause significant problems if not addressed.

Mr. Carpenter informed that they are putting in three cross sections into the design criteria package; one with turning lane and one without turning lane; they will go through another design phase and will obtain more stakeholder input.

Commissioner Grieco reminded everyone that the policy direction was to incorporate the protected bicycle lanes where the right-of-way allows it for and be the first in the County to do so.

Handouts and Reference Materials:

1. Email from Gloria Baez dated March 08, 2016, RE: Request to defer RFP, R2A & R2B.

1:59:29 p.m.

2:11:23 p.m.

R2B Request For Approval To Issue A Request For Proposals (RFP) No. 2016-091-KB For Design Build Services For West Avenue Improvements Phase II North Of 14th Street.
(Procurement/Public Works)

ACTION: Request approved. See comments with R2A. Motion made by Commissioner Grieco to approve the request with the policy direction; seconded by Commissioner Malakoff; Voice-vote: 7-0.
Alex Denis and Eric Carpenter to handle.

DIRECTION:

Incorporate protected bicycle lanes where the right-of-way allows

Handouts and Reference Materials:

1. Email from Gloria Baez dated March 08, 2016, RE: Request to defer RFP, R2A & R2B.

R5 - Ordinances

10:25:51 a.m.

R5A 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. **10:00 a.m. Second Reading Public Hearing**

(Sponsored by Commissioner John Elizabeth Alemán)
(Legislative Tracking: Housing & Community Services)
(First Reading on February 10, 2016 - R5I)

ACTION: Title of the Ordinance read into the record. **Ordinance 2016-3998 adopted.** Public Hearing held. Motion made by Commissioner Alemán; seconded by Commissioner Arriola; Ballot-vote: 7-0.
Maria Ruiz to handle.

Commissioner Alemán stated that this item is simply adding a representative from the Police Department to the Committee on the Homeless, per the Committee on the Homeless' recommendation.

10:29:28 a.m.

Commissioner Malakoff voted yes.

Handouts and Reference Materials:

1. Ad in The Miami Herald No. 1137

10:27:40 a.m.**R5B 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. **10:05 a.m. Second Reading Public Hearing**

(Sponsored by Commissioner Michael Grieco)

(Legislative Tracking: Planning)

(First Reading on February 10, 2016 - R5H)

ACTION: Title of the Ordinance read into the record. **Ordinance 2016-3999 adopted.** Public Hearing held. Motion made by Commissioner Grieco; seconded by Commissioner Alemán; Ballot-vote: 6-0; Absent: Commissioner Rosen Gonzalez. **Thomas Mooney to handle.**

Thomas Mooney, Planning Department Director, introduced the item, which is a cleanup amendment related to a more comprehensive set of provisions done to noticing. Per Commissioner Grieco's request, he explained that under the current Code, the timeframe to render a decision pertaining to architectural significance of a single family home is ten days; this Ordinance would increase it to thirty days to make it consistent with all other noticing requirements.

Handouts and Reference Materials:

1. Ad in The Miami Herald No. 1137

10:29:43 a.m.**R5C Concurrency Exemption**

An Ordinance Amending The City Code, By Amending Chapter 122, "Concurrency Management," By Amending Section 122-5, "Exemptions From Concurrency," To Authorize The City Commission To Exempt, By Resolution, Temporary Uses In Public Rights-Of-Way From The City's Concurrency Requirements, And To Require The City Commission To Set Forth The Geographic Areas, Criteria, And Duration For Any Such Exemption; And Providing For Repealer, Codification, Severability, And An Effective Date. **10:10 a.m. Second Reading Public Hearing**

(Legislative Tracking: Planning)

(Sponsored by Commissioner Joy Malakoff)

(First Reading on January 13, 2016 - R5R)

(First Reading on February 10, 2016 - R5H)

ACTION: Title of the Ordinance read into the record. **Ordinance 2016-4000 adopted.** Public Hearing held. Motion made by Commissioner Malakoff; seconded by Vice-Mayor Steinberg; Ballot-vote: 6-0; Absent: Commissioner Arriola. **Thomas Mooney to handle.**

Thomas Mooney, Planning Department Director, stated that there is a minor text amendment to Chapter 122 on second reading, to give the City Commission the authority to waive currency fees for temporary uses on Washington Avenue from 6th Street to Lincoln Road. If adopted, there is a separate related Resolution on the Agenda.

Commissioner Malakoff asked about the dates and if this is to waive for a year.

Mr. Mooney clarified that the waiver is in the Resolution, this is amending the Ordinance to give the Commission the authority to waive the concurrency fee. Commissioner Malakoff moved the item.

Handouts and Reference Materials:

1. Ad in The Miami Herald No. 1137

10:35:37 a.m.

R5D Accessory Uses In Single Family Homes And Short Term Rental Of Apartments Or Townhomes; Commercial Use Of Single Family Homes Prohibited

1. 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. **10:15 a.m.**

Second Reading Public Hearing

(Sponsored by Mayor Philip Levine & Co-Sponsored by Commissioner John Elizabeth Alemán)

(Legislative Tracking: Office of the City Attorney)

(First Reading on February 10, 2016 - R5G)

ACTION: Title of the Ordinance read into the record. **Ordinance 2016-4001 adopted.** Public Hearing held. Motion made by Commissioner Malakoff; seconded by Commissioner Arriola to approve with the policy direction; Ballot-vote: 7-0. **Office of the City Attorney and Hernan Cardeno to handle.**

POLICY DIRECTION:

Send notification via U.S. first class mail to all single-family homeowners. **Thomas Mooney and Aleksandr Boksner to handle.**

Mitch Novick asked regarding notifying the tax appraiser or tax assessor having to do with turning in individuals who may be renting illegally in order to mark their Homestead Exemption if they should have one. If that is the case, this is a wonderful idea. He asked for clarification.

City Attorney Aguila clarified that Commissioner Arriola added this at the last meeting and it has been incorporated. The purpose is as Mr. Novick stated.

Aleksandr Boksner, First Assistant City Attorney, introduced the item and gave background information; the item was approved with the caveat that the City Commission considers a more extensive notification process of all single-family homes in the City before enforcement action is taken. There will be a delayed enforcement if this notification process is approved. He clarified that penalties have increased and the Planning Board recommended that there be actual notification issued to all single-family homeowners. He recommended that the enforcement of this Ordinance should be complaint driven, because legally there will be evidence required by the Code Enforcement officers.

Commissioner Malakoff is in agreement with the notification to all homeowners.

Discussion held.

In answering Mayor Levine's question regarding short term rentals, Mr. Boksner explained that if there is a complaint, there will be an investigation and a violation will be issued. Having the transient renter there, they will do a search on the Internet to find out whether or not it was advertised, which will create a rebuttable presumption, which will require the property owner to rebut the presumption to give procedural due process.

Commissioner Alemán agrees with the suggestion from the Planning Board. The right thing to do is to communicate well, it makes it more defensible and the message is that this City Commission will not tolerate this anymore.

Handouts and Reference Materials:

1. Ad in The Miami Herald No. 1137

10:42:02 a.m.

2. 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. **10:20 a.m. Second Reading Public Hearing**

(Sponsored by Mayor Philip Levine & Co-Sponsored by Commissioner John Elizabeth Alemán)

(Legislative Tracking: Office of the City Attorney)

(First Reading on February 10, 2016 - R5J)

ACTION: Title of the Ordinance read into the record. **Ordinance 2016-4002 adopted.** Public Hearing held. Motion made by Commissioner Alemán; seconded by Commissioner Malakoff; Ballot-vote: 7-0. **Office of the City Attorney to handle.**

Frank Del Vecchio stated that he has seen cases dismissed at Special Master Hearings because the notification was not sent via registered mail, and there was no evidence of notification being received. He asked the City Attorney to examine whether the notification provided has to be done by registered mail.

Aleksandr Boksner, First Assistant City Attorney, clarified that Florida and City laws require notification to the property owner of the violation. Notification of the previous Ordinance is to let everyone know in the City of Miami Beach, that City officials are taking this matter seriously and there will be increased monetary fines, so the notification is on a case by case, and requires notification by State and City law.

Commissioner Malakoff asked if the notification should be done by registered mail.

Mr. Boksner stated that it could be done by registered mail, but there has been modifications to the law that allow it to be, if corporations, sent to someone other than the corporation, and does not have to be done by registered mail.

Mayor Levine asked if notification was not received, if the Special Master will dismiss the case.

Mr. Boksner stated that the Special Master Clerk, for procedural due process, is required to notify individuals that there is a notice of violation. This is an issue of all of the City's Ordinances.

Discussion continued regarding notifications sent by mail.

Frank Del Vecchio spoke.

Handouts and Reference Materials:

1. Ad in The Miami Herald No. 1137

10:46:35 a.m.

R5E An Ordinance Amending Chapter 82 Of The Code Of The City Of Miami Beach, Entitled "Public Property," By Amending Article IV, "Uses In Public Rights-Of-Way," By Amending Division 5, "Sidewalk Cafes," By Amending Subdivision II, "Permit," By Amending Section 82-382, Entitled "Application," And Section 82-383, Entitled "Permit Fee; Penalties For Late Payment; Review Of Fee; Exception," To Abate Sidewalk Cafe Permit Fees, Including Annual Permit Application Fees And Square Footage Fees, For Businesses Participating In The City's Washington Avenue Pilot Parklet Program, Which Program Shall Terminate On March 31, 2017; And Providing For Repealer, Codification, Severability, And An Effective Date. **10:25 a.m. Second Reading Public Hearing**

(Sponsored by Commissioner Joy Malakoff)

(Legislative Tracking: Office of the City Attorney/Transportation)

(First Reading on January 13, 2016 - R5Q)

ACTION: Title of the Ordinance read into the record. Item heard with R5I. **Ordinance 2016-4003 adopted as amended.** Public Hearing held. Motion made by Commissioner Alemán; seconded by Commissioner Malakoff; Ballot-vote: 7-0. **Office of the City Attorney and Jose Gonzalez to handle.**

AMENDMENT:

- Move forward with the pilot program
- Waive sidewalk fees for up to three years instead of one
- Bring Progress Report to the March 2017 Commission Agenda
- Amend Ordinance on the sidewalk café fee waiver for up to three years

Commissioner Malakoff explained that this item is just to ask for one year to abate sidewalk cafe permits for the Washington Avenue parklet program. She stated that Item R5I is to amend the permit fees on Washington Avenue and is asking them to waive fees for five years. She thinks five years is too long, since many of the sidewalk cafes will have parklets, and offered an amendment to keep it at three years, rather than five.

Commissioner Grieco agreed with Commissioner Malakoff and seconded the amendment for this item.

Jose Gonzalez, Transportation Director, clarified that this is a pilot parklet program, and asked Commissioner Malakoff if she is proposing the program to be extended to three years rather than one year.

Discussion held regarding waiving of fees and period of time.

Commissioner Grieco is in favor of three years and the item can be revisited if needed. A year may not be enough time for incentivizing new and good long-standing businesses on Washington Avenue.

Vice-Mayor Steinberg is not in favor of three years for the parklet due to the potential future transit options on Washington Avenue and its impact; she is comfortable with 18 months for the parklets, and is in support of three years on sidewalk cafes; she is somewhat hesitant to pull the trigger on three years.

City Manager Morales explained that granting a three-year concurrency waiver does not bind one on how long they have parklets; the concurrency issue is for three years. If parklets do not work out, they can have the parklets removed.

Commissioner Malakoff reiterated that this is only abating sidewalk café permit fees for the Washington Avenue parklet program, and if the parklets do not work, or if there is wireless transit technology and new streetcars in two years, they can remove the parklets. The item is only to waive the sidewalks café fees. They want to incentivize restaurant and property owners to put in sidewalk cafés to activate Washington Avenue and put in parklets properly with attractive landscaping. Concurrency was only for one year, and this is only for sidewalk cafés for three years.

Discussion continued.

Vice-Mayor Steinberg suggested giving direction to come back annually with an update report via LTC to monitor the parklets and make sure they are working.

Commissioner Grieco recommended a progress report at the March 2017 meeting. There was consensus from the Commission for the March 2017 progress report. **Jose Gonzalez to handle.**

Nick Kallergis, First Assistant City Attorney, suggested amending the Ordinance on the sidewalk café fee waiver so that the City Commission can do it for up to three years. There was consensus to amend the Ordinance.

Handouts and Reference Materials:

1. Ad in The Miami Herald No. 1137

5:13:08 p.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. **5:01 p.m. Second Reading Public Hearing**

(Sponsored by Commissioner Joy Malakoff)

(Legislative Tracking: Planning)

(First Reading Public Hearing on February 10, 2016 - R5F1)

ACTION: Title of the Ordinance read into the record. **Ordinance 2016-4004 adopted.** Public Hearing held. Motion made by Commissioner Malakoff; seconded by Commissioner Alemán; Ballot-vote: 6-0; Absent: Mayor Levine. **Thomas Mooney to handle.**

Thomas Mooney, Planning Department Director, introduced the item, which relocates existing language from Chapter 142 to Chapter VI and reallocating certain language within Chapter 142.

Handouts and Reference Materials:

1. Ad in The Miami Herald No. 1137
2. Ad in The Miami Herald No. 1138

5:14:59 p.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. **5:02 p.m.**
Second Reading Public Hearing

(Sponsored by Commissioner Joy Malakoff)

(Legislative Tracking: Planning)

(First Reading Public Hearing on February 10, 2016 - R5F2)

ACTION: Title of the Ordinance read into the record. **Ordinance 2016-4005 adopted.** Public Hearing held. Motion made by Commissioner Malakoff; seconded by Commissioner Alemán; Ballot-vote: 6-0; Absent: Mayor Levine. **Thomas Mooney to handle.**

Handouts and Reference Materials:

1. Ad in The Miami Herald No. 1137
2. Ad in The Miami Herald No. 1138

11:15:45 a.m.

R5G Vacant Storefront Covers

An Ordinance Amending Chapter 138 Of The Miami Beach City Code, Entitled "Signs," Article IV Entitled "Temporary Signs," At Section 138-140 Entitled "Vacant Storefront Covers And Signs" To Mandate That All Vacant Storefront Windows And Doors Be Wrapped In Non-Commercial Paper Designs; Providing For Enforcement And Penalties; And Providing For Repealer, Codification, Severability, And An Effective Date. **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 Grieco to approve the item; seconded by Commissioner Arriola. Ballot vote: 6-1; Opposed: Commissioner Rosen Gonzalez. Second reading, Public Hearing scheduled for **April 13, 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, motion was made accepting the Land Use and Development Committee's recommendation of this Ordinance by Commissioner Grieco, seconded by Commissioner Alemán; Voice vote: 7-0.

Thomas Mooney, Planning Department Director, explained that this Ordinance would mandate that vacant and commercial storefronts be covered and wrapped in non-commercial paper designs. The Planning Board recommended that there be a requirement that it shall cover 100% of the windows and doors, but the Administration suggested that there be some latitude in case Police or Fire needs to look inside the stores.

Commissioner Grieco agreed that flexibility is required, and stated that this would improve the aesthetics and optics in the areas that need work when stores are vacant through the City. Signs can be selected and they will be consistent.

Commissioner Rosen Gonzalez, as a realtor, is not in support of wrapping vacant stores, there are safety issues, and she thinks this is overregulating.

Commissioner Alemán asked if they are incorporating the "No Trespassing" language into the design.

Commissioner Arriola thinks this is better than the brown paper currently used, and it is a great method of beautifying the area.

Commissioner Malakoff wants to ensure that the Police have the ability to look at these closed stores and asked about the prohibition of advertising unless it is for rent or lease.

Commissioner Grieco clarified that this prohibition against advertising is incorporated.

11:19:25 a.m.

R5H Minimum Unit Sizes for Historic Hotels

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations," By Amending Article II, "District Regulations," By Amending Division 3, "Residential Multifamily Districts," By Amending Section 142-155 To Modify The Requirements For Minimum Hotel Room Size And Maximum Hotel Room Occupancy For Historic Hotels Within The RM-1 District; By Amending Section 142-217 To Modify The Requirements For Minimum Hotel Room Size And Maximum Hotel Room Occupancy For Historic Hotels Within The RM-2 District; By Amending Section 142-246 To Modify The Requirements For Minimum Hotel Room Size And Maximum Hotel Room Occupancy For Historic Hotels Within The RM-3 District; By Amending Chapter 142, "Zoning Districts And Regulations", Article II, "District Regulations", Section 142-306, "Development Regulations" To Modify The Requirements For Minimum Hotel Room Size And Maximum Hotel Room Occupancy For Historic Hotels Within The CD-2 District; And By Amending Section 142-337, "Development Regulations And Area Requirements" To Modify The Requirements For Minimum Hotel Room Size And Maximum Hotel Room Occupancy For Historic Hotels Within The CD-3 District; Providing For Codification; Repealer; Severability; 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 Alemán to approve the item; seconded by Commissioner Grieco. Ballot vote: 7-0. Second reading, Public Hearing scheduled for **April 13, 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, motion was made accepting the Land Use and Development Committee's recommendation of this Ordinance by Commissioner Grieco, seconded by Commissioner Alemán; Voice vote: 7-0.

Thomas Mooney, Planning Department Director, introduced the item, explained the amendments, which include minimum size requirement for hotels in certain zoning districts, and extends the allowance for 200 square foot rooms to contributing buildings in an individual historic site. Currently under the City Code, this can only be done in buildings that are located within a local historic district. Furthermore, at the direction of the City Commission, additional language has been added to limit the number of occupants in these rooms to no more than four individuals.

Commissioner Grieco explained that this is to allow these contributing buildings to enjoy the rules as those contributing buildings located in designated historic sites; and some are looking for historic designation.

Mr. Mooney added that the Historic Preservation Board has approved the Mayflower's historic designation and the Ordinance will be coming in front of the City Commission.

Commissioner Grieco explained that language was included to limit the occupancy to prevent the location from turning into a hostel.

11:22:46 a.m.

R5I An Ordinance Amending Chapter 82 Of The Code Of The City Of Miami Beach, Entitled "Public Property," By Amending Article IV, "Uses In Public Rights-Of-Way," By Amending Division 5, "Sidewalk Cafes," By Amending Subdivision II, "Permit," By Amending Section 82-382, Entitled "Application," And Section 82-383, Entitled "Permit Fee; Penalties For Late Payment; Review Of Fee; Exception," To Abate Sidewalk Cafe Permit Fees, Including Annual Permit Application Fees And Square Footage Fees, For Businesses On Washington Avenue From 6th Street To Lincoln Road Terminating On May 31, 2021; And Providing For Repealer, Codification, Severability, And An Effective Date. **First Reading**
(Sponsored by Commissioner Michael Grieco)
(Legislative Tracking: Planning)

ACTION: Title of the Ordinance read into the record. See comments with R5E. **Ordinance adopted on first reading as amended.** Motion made by Commissioner Grieco to approve the item as amended; seconded by Commissioner Alemán. Ballot vote: 7-0. Second reading, Public Hearing scheduled for **April 13, 2016.** Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda, if received. **Thomas Mooney to handle.**

Amendment:

Commissioner Grieco moved to amend from five to three years.

R7 - Resolutions**10:54:47 a.m.**

R7A A Resolution Adopting The Third Amendment To The General Fund, Enterprise Fund, Internal Service Fund And Special Revenue Fund Budgets For Fiscal Year (FY) 2015/16. **10:30 a.m. Public Hearing**
(Budget & Performance Improvement)

ACTION: Title of the Resolution read into the record. Public Hearing held. **Resolution 2016-29315 adopted.** Motion made by Commissioner Alemán; seconded by Commissioner Arriola. Voice vote: 7-0. **Ramon Suarez to handle.**

Ramon Suarez, Interim Budget Director, introduced the item. This item is appropriating \$200,000 of funding for a mobility fee study (General Fund) and \$120,000 of funding to refurbish a new Marine Patrol boat in the Police Department (Confiscated Trust Fund (State)).

Handouts or Reference Materials:

1. Ad in The Miami Herald No. 1137

11:55:10 a.m.

R7B A Resolution Approving And Authorizing The City Manager To Take The Following Actions: (1) Recapture \$188,873.37 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 Homeless Services And (b) \$172,438.92 To 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)
(Deferred from February 10, 2016 - R7I)
(Budget & Performance Improvement)

ACTION: Resolution 2016-29316 adopted. Motion made by Commissioner Grieco; seconded by Commissioner Alemán. Voice vote: 6-1; Opposed: Commissioner Rosen Gonzalez. **Maria Ruiz to handle.**

Maria Ruiz, Director of Housing and Community Services, introduced the item. This item was deferred at the last meeting, and addresses ensuring compliance with the expenditure rules that the City has for CDBG, and ensuring that the City also stays compliant with the action plan that was approved by the Commission last year. The key issue on the homeless services is that they are trying to replace a service that was left on the table because JCS (Jewish Community Services) walked away from the service. The City is getting a tremendous number of complaints and requests from the business community and residents to address homelessness in their areas. This is one more tool that allows the City to address that issue.

Commissioner Rosen Gonzalez stated that when she looked at everything that is being recaptured she noticed that there is a great deal of funds that the City is recapturing from senior programs and allocating to the homeless. She disagrees with this. She is going to vote "no." She does not agree with the reallocation to the homeless. MBCDC is already suffering as the City is taking funds from them from one building and giving it to the homeless.

Ms. Ruiz explained that the recaptures are due to a timeliness issue. The funds were not expended by those agencies in the time they were required to use them. The City is required to recapture that money. Once the money is recaptured, it is put back into the general allocation and it is distributed at a 15% rate.

Commissioner Rosen Gonzalez asked why the money is only being reallocated to the homeless. Ms. Ruiz explained that the JCS component was backed out. JCS, which had been providing homeless services for many years, cannot provide that service any longer; as a result, what the City is doing is making sure that the homeless service component, which is one of the identified areas of importance in the consolidated plan, is addressed.

Commissioner Rosen Gonzalez inquired if in the past this has always been done this way; recaptured from elderly services and reallocated to the homeless. Ms. Ruiz responded that all public service funds must be expended within the year that they are allocated. They must be recaptured if not spend timely.

Commissioner Rosen Gonzalez stated that she disagrees with how we are reallocating this.

1:49:15 p.m.

R7C A Resolution Adopting The Updated Unified Regional Sea Level Rise Projection Of The Southeast Florida Regional Climate Change Compact For Planning Purposes.

(Sponsored by Vice-Mayor Micky Steinberg)
(Legislative Tracking: Environment & Sustainability)

ACTION: Resolution 2016-29317 adopted. Motion made by Vice-Mayor Steinberg; seconded by Commissioner Malakoff. Voice vote: 7-0. **Elizabeth Wheaton to handle.**

Elizabeth Wheaton, Director, Environmental & Sustainability Department, introduced the item. This item is to accept the Southeast Florida Regional Climate Change Compact Unified Sea Level Rise Projections that were released back in October 2015. The projections were developed with local experts from the University of Miami, Florida International University (FIU), Florida Atlantic University (FAU), South Florida Water Management District, the US Army Corps of Engineers and the National Oceanic and Atmospheric Administration (NOAA). They reflect the condition specific to our regions, taking into consideration ice melt as well as the flowing of the Florida current and the Gulf Stream. The sea level rise working group used three different planning horizons to 2030, 2060 and 2100, and has three different curbs: the lowest is what we should be looking at in the short-term, the middle is what is most likely, which is where we are looking at about six inches to 1 foot in 2030; 1 foot to 3 feet in 2060 and 2 feet to 6.75 feet in 2100. The higher curb, the higher numbers, reflect what the City should be looking at for critical infrastructure. By adopting these sea level rise projections, it will assist with the City's planning efforts and understanding the potential vulnerabilities, as well as providing a basis for outlining adaptation strategies. This is strictly a planning tool. Once it is adopted, the City will be conducting technical training of City staff so they can use this tool properly within the entire planning processes across all City departments.

Commissioner Malakoff inquired if AECOM is in agreement with this. Ms. Wheaton responded in the affirmative.

1:33:06 p.m.

R7D A Resolution Accepting The Recommendation Of The Neighborhood/Community Affairs Committee To Keep And Renovate The Robert C. Haas Handball Court Building, But That The Previously Approved Option To Include Four Additional Single Wall Handball Courts And Four New Padel Courts, Not Be Incorporated Into The Flamingo Park Master Plan.
(Parks & Recreation)

ACTION: Resolution 2016-29318 adopted. Motion made by Commissioner Alemán to renovate the Haas building and the outdoor courts that exist today, not adding any additional handball courts but renovating what we have, and referring to NCAC and the Parks and Recreational Facilities Board the consideration to add more activities at Flamingo Park; Seconded by Vice-Mayor Steinberg. Voice vote: 7-0. **John Rebar to handle.**

REFERRAL:

Discuss the consideration to add more activities at Flamingo Park is referred to:

- Neighborhood/Community Affairs Committee; and
- Parks and Recreational Facilities Board

John Rebar, Parks and Recreation Director, introduced the item. This is an item that has been going around for quite a while now. The timeline is in the memorandum. The Administration received direction in September from the Commission to head in the direction, with the Flamingo Plan Master Plan, specifically in racquetball/handball area; to renovate four out of the six indoor courts; renovate the outdoor courts; demolish the Hass building, which has two indoor courts that years ago had been approved for demolition; build four more outdoor courts and also introduce the sport of padel to the racket area. The Administration is seeking direction as to whether the Commission wants to save the Hass building.

The consensus of the Commission was to save the Hass building.

Mr. Rebar explained that the recommendation of the Neighborhood/Community Affairs Committee (NCAC) is not to introduce padel, and not to build the four additional outdoor courts, which are single wall handball racquetball courts. The individuals in attendance at NCAC indicated that as players they did not need these new additional outdoor courts.

Commissioner Malakoff recalled that some of the individuals wanted the single wall courts, they were handball players

Commissioner Arriola stated that he likes the padel idea; it is popular sport internationally. If the City is not going to build the four additional handball courts, why not build two padel courts?

Commissioner Rosen Gonzalez stated that they spent a great deal of time at NCAC going over this painstakingly, and they arrived at the decision based on the fact that the people did not want the padel courts and it took up too much space. Commissioner Rosen Gonzalez added that NCAC spent hours on this issue.

Commissioner Arriola stated that he watched the item at NCAC, and the Committee did not spend hours on it; it was not conclusive, there was a division in the audience, there are a great deal of people who do want padel.

Commissioner Alemán, addressing Mr. Rebar, stated she has heard that he has a few designs that allow for both renovating and maintaining the Haas building, and adding a couple of padel courts, but she does not believe the City Commission has explored those options in a public setting.

Mr. Rebar stated that David Martinez, CIP Director, and himself sat down internally and designed different options in the event the Commission wanted to move in a different direction; they did do some mockups. Mr. Rebar stated that there are other impacts that must be considered when one starts encroaching into the green or the golf park area; everything has a consequence positive and negative. It could be implemented - we can save the Haas building and introduce two to four padel courts but obviously, there would be losses there.

Commissioner Arriola stated that they are all in agreement that they want to save the Haas building; the question is whether they wish to build anything in addition.

Mayor Levine inquired of his colleagues if they want to do something interesting. We have a great deal of international visitors, who play these new sports.

Commissioner Malakoff stated that when the City Commission meets in their committees, the decisions are merely advisory and they make recommendations to the full Commissions; but it is up to the full Commission, where there are seven people, to make the final decisions. She was at the NCAC meeting, although, she is not a member, and she did listen to the testimony and there were a couple gentlemen that came forward, mostly from Argentina, Spain and other Latin American Countries, where there are evidently padel tournaments. She thinks it was a good idea. The one thing Commissioner Malakoff questions is the need for more parking. As you introduce another sport and have more people, let us assume it will be very popular, she thinks at some point in the future we may want to look, perhaps if the Fire Station is moved where the surface parking lot is now, if a couple floors of parking is added, it will increase the parking and give a good place setback from 11 Street with green space in front of it might be a good solution.

Mr. Rebar stated that they could certainly use more parking at Flamingo Park.

Vice-Mayor Steinberg, at this point, is not in favor of adding anything new until she knows what we are getting into. She does not know how much use these padel courts would have; she is not an expert on padel. She would rather wait and see. Let us stick with what they want to do, unanimously they want to save the Haas building and make it a usable practical building again for everybody to enjoy. Anything additional to that, she is hesitant.

Commissioner Arriola stated that they are going to save the Haas building. The same way people here are so passionately about the Haas building, if Commissioners 30 years ago did not build it, they would not have people here so passionately in favor of saving it. Whatever they develop, whether it is padel or some other public purpose that activates the park, people will flock to it; we will not build something people will not use. Padel seems to be a very popular sport in Latin America and Europe, and that is our clientele. We should try to reach out and service them.

Discussion continued.

MOTION 1:

Commissioner Alemán moved to renovate the Haas and the outdoor courts that exist today, not adding any additional handball courts but renovating what we have, and referring to NCAC the consideration to add padel courts, and have the Parks and Recreation Department provide the designs for the padel courts.

Discussion continued.

Commissioner Arriola stated that he listened to the testimony at NCAC and the folks against padel just clearly want green space and do not want people in the parks; they were talking about how they do not like that they play flag football in the park or that there is a track there; if they had their way it would just be grass.

Vice-Mayor Steinberg stated that she is not opposed to adding an additional sport, she is not certain it should be padel. She would like to discuss that component separately.

Vice-Mayor Steinberg seconded Commissioner Alemán's motion.

Commissioner Arriola stated that the item could come back to NCAC this Friday, March 11, 2016.

Mr. Rebar stated that it would take time for option for four courts and reduce it down to be four or zero.

Commissioner Arriola made a friendly amendment, and asked Commissioner Alemán that if they could look at other options in that space, for example a small pocket soccer pocket parks, such as the ones in Wynwood, she does not know how much acreage they take, but they are wildly popular.

Discussion continued about pocket soccer parks.

AMENDED MOTION:

Commissioner Alemán accepted the amendment to review possible other activities, in addition to padel.

Mr. Rebar added that many cities are repurposing their roller hockey rinks into the mini soccer fields, and he will use those in order to determine the necessary dimensions to use the same footprint.

Commissioner Grieco stated that in Downtown Miami and other places, they see roof activities. We can do a garage, and activate the roof; you can have small soccer courts, padel or multipurpose. That might be something to look into as well; trying to activate during limited hours in the evenings, the roof and use that space as well so we are not cutting into green space. Let us say we ended up building a parking garage where the current parking lot is on 11 Street at Flamingo Park, we can incorporate the Fire Station and activate the roof.

Commissioner Malakoff mentioned that the Flamingo Neighborhood Association previously voted not to have a skate park at Flamingo Park, but Flamingo Park is still a possible location for the competitive swimming pool.

Vice-Mayor Steinberg stated that we have a great Parks and Recreational Facilities Board, and they get very passionate and involved; she recommending sending the item to them as well to vet other options and then the Board can bring it back to NCAC with some recommendation. The members of the Parks and Recreational Facilities Board are the ones that are much vested in that process, and it would be great to get their feedback.

Commissioner Arriola stated that at least for him, he would like for the Parks and Recreational Facilities Board to know that the Commission is interested in trying to find additional activities, meaning that the Commission is leaning towards finding a solution not just leaving it with nothing.

Mr. Rebar stated that will not present this item at the NCAC meeting this Friday, and he will give time for the Parks and Recreational Facilities Board to give their recommendations.

FINAL MOTION:

Commissioner Alemán moved to renovate the Haas building and the outdoor courts that exist today, not adding any additional handball courts but renovating what we have, and referring to NCAC and the Parks and Recreational Facilities Board the consideration to add more activities at Flamingo Park.

1:46:10 p.m.

R7E A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Firms, Pursuant To Request For Qualifications (RFQ) No. 2015-245-KB For Architectural And Engineering Design Services For Lincoln Road District; Authorizing The Administration To Enter Into Negotiations With James Corner Field Operations, As The Top Ranked Proposer; Further, Should The Administration Not Be Successful In Negotiating An Agreement With James Corner Field Operations, Authorizing The Administration To Enter Into Negotiations With BEA Architects, As The Second Highest Ranked Proposer; And Further Authorizing The Mayor And City Clerk To Execute An Agreement, Upon Conclusion Of Successful Negotiations By The Administration.

(Procurement/Capital Improvement Projects)

ACTION: Resolution 2016-29319 adopted. Motion made by Commissioner Alemán; seconded by Commissioner Malakoff. Voice vote: 7-0. **Alex Denis and David Martinez to handle.**

David Martinez, CIP Department Director, introduced the item. They are asking to accept the Manager's recommendation for the Lincoln Road project to allow us begin negotiation with James Corner Field as the designer for the Lincoln Road project and allow the Mayor and the City Clerk to execute the agreement once it is successful with the negotiations.

1:31:54 p.m.**SUPPLEMENTAL MATERIALS 4**

R7F A Resolution Accepting The Recommendation Of The City Manager, Pursuant To Request For Proposals No. 2015-146-YG (The RFP) For Parking Attendants For City Parking Garages.

(Procurement/Parking)

ACTION: Resolution 2016-29320 adopted. Motion made by Commissioner Grieco; seconded by Vice-Mayor Steinberg. Voice vote: 7-0. **Alex Denis and Saul Frances to handle.**

Saul Frances, Parking Department Director, introduced the item, which is an agreement negotiated with Standard Parking; the initial proposal was a management fee of \$447,000 per year; and this was negotiated to \$417,000, with a cost savings of \$30,000 per year.

1:47:03 p.m.

R7G A Resolution Authorizing The City Manager To Extend The Existing Agreement With Inktel Contract Solutions, LLC, Pursuant To Request For Proposal (RFP) 022-2013ME, For Citywide Call Center Services, On A Month-To-Month Basis, Terminable By The City For Convenience And Without Cause, Upon Thirty (30) Days Written Notice To Inktel, Until Such Time As The City's Finance And Emergency Management Departments Are Prepared To Provide Citywide Call Center Services In-House.

(Procurement/Finance/Emergency Management)

ACTION: Resolution 2016-29321 adopted. Motion made by Commissioner Malakoff; seconded by Commissioner Alemán; Voice vote: 6-0; Commissioner Arriola abstained and recused himself. **Alex Denis, Allison Williams and Chuck Tear to handle.**

Clerk's Note: Form 8B, Memorandum of Voting Conflict for County, Municipal, and Other Public Officers filed by Commissioner Ricky Arriola on March 9, 2016. Clerk 8B # 129.

Commissioner Arriola read the voting conflict of interest statement into the record. He needs to recuse himself. This Resolution authorizes the City Manager to extend the City's existing agreement with his company, Inktel Company Solutions, on a month-to-month basis, until the Inktel Call Center services are transitioned to City staff in the Finance and the Emergency Management Departments. He is abstaining from participating and voting on this matter, because Inktel Contract Solutions is a subsidiary of Inktel

Holdings Corporation, of which he is employed as a President and CEO. The existing agreement was entered into on April 26, 2013, more than two and a half years prior to his election to the City Commission. Commissioner Arriola left the Chambers.

Rafael E. Granado, City Clerk, stated, for the record, that he has received Form 8B.

City Manager Morales stated that they are in the process of creating their own 311 Center, and they believe this will offer tremendous services; this is taking time to move forward. The idea is to renew the Inktel contract on a month-to-month basis, and once the 311 Center is up and running, they will cancel the contract.

No further discussion.

Handouts or Reference Materials:

1. Email from Rafael Granado dated March 2, 2016 RE: Form 8B Memorandum of Voting Conflict
2. Form 8B signed by Commissioner Ricky Arriola – See Clerk 8B Form # 129.

2:11:42 p.m.

R7H A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Proposals With Respect To Phase I Of The RFP Selection Process, Pursuant To Request For Proposal (RFP) No. 2016-009-ME, Seeking Proposals From Parties Interested In Partnering With The City To Develop Public Parking Garages Within The City Of Miami Beach, And Authorizing The Two (2) Proposers To Proceed To Phase II Of The RFP Process.
(Procurement)

ACTION: Resolution 2016-29322 adopted. Motion made by Commissioner Malakoff; seconded by Commissioner Arriola. Voice vote: 7-0. **Alex Denis to handle.**

Jimmy L. Morales, City Manager, introduced the item, which is an RFP that went out for a City parking lot, inviting folks that have adjacent private properties to submit proposals on how they can do similar projects.

Saul Frances, Parking Department Director, explained that they had two proposals for Phase 1. One project on Washington Avenue with a hotel/parking garage with 247 spaces resulting in 145 public spaces. The second project was on 42nd Street and Jefferson Avenue, the City has a surface lot there, and Terranova has an adjacent private lot for the employees, for building a garage with two different options; one for up to 180 spaces or 120, depending on how many levels are built. Both projects seem viable at this point; there are concerns that both proposers said they would be willing to address in the next phase. Their recommendation is to proceed to Phase 2 and negotiate to address those issues and terms of the agreement.

Commissioner Malakoff approves moving forward with both projects and added that besides these two, they definitely need more garages in North Beach.

Mr. Frances explained that they are looking at a couple of parking lots that they need a partner to develop, and they will bring this item to the Finance & Citywide Projects Committee for discussion.

Commissioner Malakoff recommends 118 parking spaces, not 53 for the 42nd Street area. She suggested that the wall that faces Nautilus Middle School can be done as a mosaic, a mural, art or terrace, so other things can be done. The main thing about garages that they want habitable space on the first floor, so when people are walking or driving, they do not see a wall.

Commissioner Arriola suggested including having rooftop activation in the RFP. (**Clerk's Note:** See discussion with item R7D.)

Mr. Frances stated that the intent is to maximize the parking availability, but they can look at roof activation to see how it would affect it.

Discussion held.

Commissioner Rosen Gonzalez thought they were going to incorporate affordable housing in these projects, and requested that this be included in the bids. She stated that this is a great opportunity to develop affordable housing.

Mr. Frances stated that the project on 42nd Street and Jefferson is a constraint site, even with both lots; that would be at the cost of some parking but they can talk to the developer to see if there is an opportunity for affordable housing; however, this would reduce the amount of parking provided.

Discussion continued.

Commissioner Grieco explained that first and foremost, the affordable housing proposed is for people that work here, it is for workforce housing; and they have identified spaces to create this. The opportunity is there. They need to keep in mind that they have been discussing the idea that is great to generate parking in South Beach, but they need to think that this would attract more cars, or will they use this opportunity to eliminate street parking and transferring it to the garages, which is something that they have been also talking for a long time. In order to make these 3P projects profitable and as attractive as possible for property owners, it is very difficult to incorporate affordable housing as part of the business plan, so he suggested not incorporating affordable housing with these projects.

Mayor Levine added that they need to have a conversation on senior housing, and stated that there is an area in North Beach that they can focus on for senior housing which can be a great opportunity.

2:19:14 p.m.

SUPPLEMENTAL MATERIAL 3: MEMORANDUM

SUPPLEMENTAL MATERIAL 4: REVISED MEMORANDUM

R7I A Resolution Accepting The Recommendation Of The City Manager And Authorizing The Administration To Negotiate With The Sole Responsive Proposer, Bergeron Land Development, Pursuant To RFP No. 2016-062-KB For The Design Build Contract Of The West Avenue Bridge Over Collins Canal, With The Option To Include Or Exclude The Lincoln Court Pedestrian Bridge Over Collins Canal As Part Of The West Avenue Project

(Procurement/Public Works)

ACTION: Resolution 2016-29323 adopted. Motion made by Vice-Mayor Steinberg to prepare an RFP to be ready to issue at the **April 13, 2016** Commission Meeting, if negotiations fail; seconded by Commissioner Arriola; Voice vote: 6-1; Opposed: Commissioner Alemán. Lilia Cardillo to place on the April 13, 2016 Commission Agenda if received. **Alex Denis and Eric Carpenter to handle.**

Eric Carpenter, Assistant City Manager/Public Works Director, introduced the item. He informed that the bids went out and they received \$2 million additional commitment from the County to construct the raising of Dade Boulevard. However, the bid came in significantly higher than what they believe is reasonable for the work associated, so they are asking direction and the ability to go back and negotiate with the one responsive bidder to try to bring the pricing down to a reasonable number.

Vice-Mayor Steinberg asked what he attributes to having only one responsive bidder for the project.

Mr. Carpenter explained that bidders felt the timing of the project was too aggressive and so they were concerned that they would not be able to deliver the bridge in the timeframe requested.

Discussion held.

Vice-Mayor Steinberg asked what the timeline is for the contractors as far as time constraints, because she does not want the City to pay a premium and have only one bidder, and at the end of the day, residents will still have to go to construction and pay twice for it. This is not fair.

Discussion continued regarding pricing. Mr. Carpenter anticipated the project to be \$5 million; and came back at \$15 million. They will not move forward with this. The timeline they had was based on what they felt the bridge could be constructed in on an expedited schedule. They knew there might be some additional cost for it, but \$15 million is unreasonable.

Discussion continued.

Motion made by Commissioner Grieco to table the item until next month, go back to Bergeron and send them a copy of this videotape, explain to them that they have to "sharpen their pencils" and get under \$10 million before the City Commission even considers issuing or awarding this; otherwise, it should go out to bid.

Vice-Mayor Steinberg suggested sending it back out to bid. The City has worked with Bergeron time and time again, and this is not OK. It is unacceptable.

Discussion held.

Mr. Carpenter stated that there are three components to this; the raising of Dade Boulevard, the West Avenue bridge and the pedestrian piece; he suggested bringing Bergeron to work on the West Avenue bridge and negotiate to a number that is reasonable, probably between \$3 to \$5 million range on the bridge alone; then negotiate on the remainder component of the work through different sources. The West Avenue Bridge received FDOT funding and there are other requirements associated with that; they want to ensure that the bridge portion is done in a certain way.

Commissioner Alemán asked if there are any safety issues or a reason why they need to expedite that piece; she added that at the Transportation Workshop, they hire a consultant to survey why the City is not getting more bidders for projects; and here is a classic example, out of 50 vendors, the City gets one response. To her, there is something wrong with the way the City prepares the bid, and she suggested modifying the RFP and reissue, unless there is a compelling issue to separate the bridge piece.

Discussion held.

Commissioner Malakoff asked if it was true that one of the contractors said that the City's RFP was insufficient in time to acquire permits and meet the required substantial completion date, permitting along could take more than the time specified of 270 calendar days. Does permitting take 270 days or more? Is this true?

Mr. Carpenter explained that many contractors put in their permits at a year, as it gives them flexibility and they are able to set up their work in advance. Permitting can be obtained in the timeframe requested, but it is difficult, and there is a premium price related to that.

Mr. Carpenter respectfully asked to give him 30 days to go back and see what he can bring back to the table.

Discussion continued.

Raul J. Aguila, City Attorney, asked if the motion is to authorize Mr. Carpenter to negotiate and allow him to contact Bergeron.

Mayor Levine thinks it should be put out to bid.

Discussion continued.

Commissioner Malakoff requested bringing this item back to the next Commission Meeting of April 13, 2016.

Motion made by Vice-Mayor Steinberg to prepare an RFP to be ready to issue at the April 13, 2016 Commission Meeting, if negotiations fail; seconded by Commissioner Arriola; Voice vote: 6-1; Opposed: Commissioner Alemán.

10:56:13 a.m.

SUPPLEMENTAL MATERIAL 3: ADDITIONAL INFORMATION

R7J A Resolution Accepting The Recommendation Of The Neighborhood/Community Affairs Committee, And Requesting That The Florida Department Of Transportation Evaluate The Installation Of A Pedestrian Crosswalk On Alton Road At 57th Street, To Connect Existing Bus Stops On Opposite Sides Of The Street.

(Transportation)

ACTION: Resolution 2016-29324 adopted. Motion made by Commissioner Alemán to initiate a study with FDOT for a possible crosswalk at 56th Street and Alton Road; further she requested that petitions be shared with FDOT to help them understand that the reason people do not cross at this location is because it is so dangerous; seconded by Commissioner Rosen Gonzalez; Voice vote: 7-0. **Jose Gonzalez to handle.**

Commissioner Alemán motion to open the public hearing.

Lin Lougheed submitted a request because over the past 15 years they have a "speedway" on Alton Road. There are many residents and bus riders who use the cross streets at Alton Road and 56 Street, and at times they wait ten to twelve minutes to be able to cross. He initially suggested a crosswalk, but residents think this is ineffective, cars will ignore the yellow lights and they need something more effective such as a red light.

Jose Gonzalez, Transportation Director, stated that the analysis FDOT will do will determine the appropriate type of traffic control device for that location in order to maximize pedestrian safety.

Commissioner Malakoff stated that the traffic light at 53rd Street existing today has a problem; when a pedestrian pushes the button to cross, it turns green and red for the cars going north and south, but once the person crosses to the other side, it remains red for the north/south traffic for what it seems a long time; she asked if there is a way to have a pedestrian crossing that turns green.

Commissioner Arriola explained that he just came back from Japan, and in Japan over a thousand individuals cross at the Shibuya intersection in different directions at the same time, and it takes 60 seconds for that to transpire, one of the busiest intersections in the world. In this country, they have the worst traffic issues, and he knows that the City can do better.

Mr. Lougheed spoke.

Commissioner Alemán explained that when Mr. Lougheed brought this to her attention, she had discussed this with Dr. Leslie Rosenfeld. There are children and people in the community that cross this street. There are two lanes moving in both directions, with parking on both sides and there is a turn lane in the middle; the distance to cross Alton Road is very far and it is not safe. When she spoke to Jose Gonzalez, he told her that FDOT looked at this before, but at that time, they determined there was no crosswalk needed. This is a 30 mile per hour speed limit, but people drive on Alton Road at 50 miles per hour. In her opinion, this is a false study, since people are not crossing because it is a very dangerous crosswalk.

Motion made by Commissioner Alemán to initiate a study with FDOT for a possible crosswalk at this location; she requested that petitions be shared with FDOT and help them understand the reason people do not cross at this location is because it is so dangerous; seconded by Commissioner Rosen Gonzalez; Voice vote: 7-0.

No further discussion.

3:35:58 p.m.

R7K 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, Terminable For Convenience And Without Cause By The City, At Its Discretion After, Expiration Of The Current Term Of The Agreement October 31, 2016, So That The Clear Channel Contract Will Remain In Place Until A New Contract Is Executed.

(Transportation)

(Deferred from February 10, 2016 - R7N)

ACTION: Resolution 2016-29325 adopted. Motion made by Commissioner Grieco; seconded by Commissioner Arriola with the recommendations below; Voice-vote: 6-0; Absent: Mayor Levine. **Jose Gonzalez to handle.**

RECOMMENDATION (See motion below):

Move forward with the RFP for the design

Keep Clear Channel on a month-to-month basis until such time that is not appropriate.

Discuss whether the RFP would apply Citywide or only to new locations when RFP returns.

Research how many actual spots need new bus shelters and/or trolley stops. (How many new shelter locations are available Citywide, in addition to the existing 107 bus shelters.)

Allow riders the ability, at the bus shelters, to determine when buses/trolleys are scheduled to arrive.

Jose Gonzalez, Transportation Director, introduced the item and gave background information on the discussion at the Finance and Citywide Projects Committee. The Committee recommended that the Administration issue an RFP for the design of new bus shelters throughout the City. The purpose of the new RFP would result in a new, iconic design for bus shelters. In the interim, the current agreement with Clear Channel Adshel, Inc. would be extended on a month-to-month basis beyond its expiration in October 2016. Subsequent to the bus shelter design RFP and approval, the City would then issue a separate RFP for the construction, operation and maintenance of bus shelters structures and furniture throughout the City. At Committee, they recommended bringing the RFP to the City Commission for approval.

Commissioner Grieco asked how much bus shelters inventory is in the City.

Mr. Gonzalez stated that there are 107 bus shelters. In answering Commissioner Grieco's questions, he stated that there are more bus stops in the City than bus shelters.

Discussion held.

Commissioner Grieco is concerned on the spots where there are no shelters. He requested expanding the inventory of bus shelters and focusing on the design and construction of bus shelters where they currently do not exist. Clear Channel is a good vendor and they are responsive as far as providing services. He is comfortable with keeping Clear Channel on regarding the existing bus shelters.

Commissioner Arriola explained that at the Finance and Citywide Projects Committee there was an interest in putting this out to RFP as it has been over 15 years since this went out to bid. He received complaints while campaigning from folks regarding bus shelters and he challenged City staff to come up with some great design ideas for bus shelters, so residents can have great bus shelters for those that use bus transit. Miami Beach is well known for iconic lifeguard stands that are world famous; there are great bus shelters around the world that have high technological equipment with Wi-Fi and PSA's; and this is something that our bus shelters do not have now. He requested that such be included as part of the RFP.

Commissioner Malakoff agreed that they should extend the current bus shelter contract for five years with the understanding that the existing solar panels would also announce the arrivals of busses and trolleys through digital means. The Wi-Fi and PSA's or AC, she is not sure it is needed in our bus shelters; as electricity would be required to power this equipment, and it would greatly increase the cost of the shelters. She suggested getting an ionic design for new bus shelters, but continue with Clear Channel in the current shelter locations, with the proviso that the bus shelters would be retrofitted to include information on the arrival of busses and trolleys using the solar system, to avoid trenching.

Raul J. Aguila, City Attorney, explained how, the City can exercise the option to renew the Clear Channel Contract. When the RFP was issued for the bus shelters contract, it provided for a ten (10) year initial term, and one five (5) year renewal. When the contract was amended in 2011, it provided for a second five (5) year renewal term. The legal question asked was under what basis the City could exercise the five (5) year renewal, if not provided in the original RFP. He researched cases and referred to two that talk about changes in RFP in a contract entered subsequent to the RFP. In conclusion, so that they are not challenged by any potential proposer, they can exercise the second renewal option with Clear Channel Adshel, Inc., contract, but since it was not included in the original contract, his recommendation would be to do it with a 5/7 competitive bid waiver vote. This gives the option of either going to RFP or exercise Clear Channel option under the 5/7 bid waiver vote.

Discussion held.

Commissioner Rosen Gonzalez likes the current design, but does not want to waive another bid; she thinks they should move forward, but not extend the contract for five more years. They should bid it out for RFP.

Commissioner Alemán stated that when the RFP was issued, Clear Channel is obligated to remove the existing bus shelters once the contract is up. Commissioner Malakoff is proposing, rather than going back in time and work on the footprint of shelters they already have, renew Clear Channel on those and simultaneously go out for iconic design and modern technology, then implement an RFP for new shelters.

Commissioner Malakoff agreed and added that at the conclusion of this extension, if done by 5/7 vote, Clear Channel will turn over the ownership of all existing bus shelters to the City at the City's option; and if the City deems that they are responsible for removing them, then the City can keep them or force them to be removed.

Discussion held.

Vice-Mayor Steinberg stated that it has been 15 years, and she wants the City to get the best deal possible. She would like to see practical, functional benches that serve the purpose and avoid misuse.

Andrew Suarez, representing Clear Channel Adshel, Inc., stated that they have been doing this for 15 years. They are proposing adding an LED sign that will alert people to know when the buses are to arrive. There is also the need to know where to have more or less buses; and this technology is out there and they have the data and are willing to take the initial capital investment.

Jose Gonzalez, Transportation Director, stated for the record, that the biggest constraint with installing new bus shelters is the right-of-way constraints; that is why the limited number of shelters, so there may not be new shelters with the new RFP.

Discussion continued.

The following individuals spoke:

- Michael Llorente, Esq., representing Outfront Media
- Liz Caprio, representing Outfront Media
- Andrew Suarez, representing Clear Channel
- Rick Katz

Commissioner Grieco suggested putting out the design piece to RFP, and in the meantime, he asked the Transportation Department to inform the City Commission as to how many actual spots need new bus shelters can be created, as well as trolley stops.

Discussion held.

MOTION:

Motion by Commissioner Grieco to move forward with the RFP for the design; and keep Clear Channel on a month-to-month basis until such time as is not appropriate, and when returning from RFP discuss whether it applies Citywide or only to new locations; seconded by Commissioner Arriola; Voice-vote: 6-0; Absent: Mayor Levine.

Commissioner Arriola added that County buses are delayed and users complain. The ability to determine when buses are arriving is needed for the riders.

Commissioner Grieco added that as trolley stops are being added due to the additional loops, they will be needing shelters as well. When researching bus stops, he wants to include trolley stops. **Jose Gonzalez to handle.**

Handouts or Reference Materials:

1. LED and LCD Signage Informational document
2. Sign Manager Informational document

09:32:28 a.m.

10:32:51 a.m.

SUPPLEMENTAL MATERIAL 1: MEMORANDUM, RESOLUTION & EXHIBITS

R7L A Resolution Approving Addendum 5 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.

(Transportation/Office of the City Attorney)

ACTION: Resolution 2016-29326 adopted as amended. See motions below. **Kathie G. Brooks, Jose Gonzalez, Alex Denis and Rafael Paz to handle.**

AMENDMENTS:

- Close proposal period in 120 days
- Evaluation Committee to make recommendations relating to ranking of proposers
- Negotiation period of 60 days with the top-ranked proposer for interim agreement
- Proposal requirements will specify that requirements call for catenaryless technology, except at maintenance facility
- Federal "Buy America requirements" will not apply to the project
- Proposers may identify more than one potential vehicle supplier as part of proposal
- Application fee refunded pro rata to proposers, with no change to prior direction
- No stipends will be provided to proposers
- City Attorney to retain outside counsel

MOTION NO 1:

Motion made by Commissioner Grieco; seconded by Commissioner Alemán to adopt the Resolution with the amendments discussed; Ballot-vote: 6-1; Opposed: Commissioner Rosen Gonzalez.

MOTION NO 2:

Motion made by Vice-Mayor Steinberg to move to reconsider the previous vote; seconded by Commissioner Alemán. Voice-vote: 7-0.

MOTION NO. 3:

Vice-Mayor Steinberg moved to add to the Resolution to allow proposers to submit proposed vehicle technology that provides for battery and supercapacitor charging stations at station locations, and for proposers to provide information regarding their ability to deliver vehicles within specific timeframes; seconded by Commissioner Grieco; Voice vote: 7-0.

Jimmy L. Morales, City Manager, introduced the item, and stated that the consultants, Kimley-Horn, Parsons Brinkerhoff, HDR, Clary Consulting and LTK Engineering, have been working with City staff since January, and based on their recommendations, including their experience with the Port Tunnel P3, and subsequent to the waiver of Cone of Silence, meetings were held and they are coming back with the issues raised at the meetings. They just received a letter from Alexander P. Heckler, Esq., who represents one of the bidders, and the City Manager is prepared to answer any questions.

Mayor Levine believes they need to move this process as fast as possible. Traffic is a great concern all over the country, but the difference is that this City Commission is planning to do something about it by implementing a streetcar. FDOT cannot move as fast, but Miami Beach needs to move fast. They must figure out a legally expeditious way to move this quick and get the right provider, which the City will not be obligated to until the very end.

Raul J. Aguila, City Attorney, stated that he read the letter from Mr. Heckler in which he urges the City Commission to expedite the project; the legal argument is complying with the Florida Statutes regulating unsolicited proposals. City Attorney Aguila has analyzed the Statute, and his opinion is that the City is complying with the timelines for allowing the submitting of proposal; and there have been no violations by the City concerning this Statute. Any modification to timing is a matter of policy and at the discretion of the City Commission.

Kathie G. Brooks, Assistant City Manager, introduced six points of clarifications and policy implications the Administration wants the City Commission to approve in Addendum 5; 1) clarification of the project solicitation timeline and different phases; 2) Clarification of minimum requirements regarding "Catenaryless" Technology and wireless technology recommended; 3) modification to permit proposers to identify more than one potential vehicle/system supplier as part of Phase 1 in the evaluation process; 4) clarification regarding Federal requirements. 5) Clarification of application fee; and 6) stipends, which she noted are not being recommended by the Administration.

Jimmy L. Morales, City Manager, added that in the State of Florida there has never been a proposal for the design, build and operation of a train system; they are entering into a 30-year relationship with this company and are concerned that they get competition on pricing and finance for the cost of the project.

Mayor Levine stated that this conversation feels like an MPO meeting, where the only thing discussed are deadlines and timelines, if they continue like this, the Mayor feels they will never get it done. He added that it is up to the City Commission to move faster.

Commissioner Malakoff stated that when she asked for a campaign to stop the blocking of intersections in the City to help traffic flow smoothly, it took a year and a half of work with FDOT to get signs posted, and the signs just list what the maximum amount of the fine is. It has been very difficult to move this forward. They are talking about hundreds of millions of dollars. She understands what Ms. Brooks stated, but this project cannot be delayed and she wants to see this wireless system going in during her lifetime. The City needs it desperately.

Commissioner Grieco thinks they should stay the course. They are in the position to make up for decades of lack of vision on the issue of mass transit. Policy direction was given in December and they need to move forward.

Commissioner Arriola suggested figuring out ways and find solutions to get this done.

Commissioner Rosen Gonzalez asked when the train will be up operational and asked what the total cost is.

Vice-Mayor Steinberg has reservations about not following through the proper way; they are talking about millions of dollars and she does not want to take it lightly.

Robert A. Lepore, PE, Senior Vice President and Managing Director, Americas Transportation Market Sectors, AECOM Technology Corporation, stated that he has 40 years of experience in streetcars, and understands the urgency of moving this plan forward; there is a need to have this streetcar in the State of Florida. However, this is an unsolicited process, which makes it different, and they are committed to get this done quickly and done right. The team needs to be embedded, identified and chosen. He explained the procurement process and added that there are great teams out there with a great deal of styles and input or comments. They want to tap into that; that is why they have the second phase of the project. To do an environmental and get it signed within the same timeline of procuring a team, concurrently, which makes this project unique, is good. An unsolicited process is different; they are committed to get it done quickly. They expect to be operational with the system within four years after the financial close.

Discussion held.

Commissioner Rosen Gonzalez asked about the funding.

Lowell R. Clary, President of Clary Consulting, LLC, explained the process and the financial close. They are developing a process, a funding plan and are looking for partners.

City Manager Morales explained that one of the issues is that there could be from 12.5 to 50% funding from FDOT, but 5th and Alton Road are State roads and they need to do due process as they need FDOT's authorization.

Discussion held.

Mayor Levine asked how many companies have actually implemented streetcars from scratch.

Mr. Lepore stated that the Washington D.C. streetcar took about five years.

Mayor Levine requested a parallel study to ensure they are qualified for State funding. An environmental study does not tell you where the streetcar should go; it is to understand the environmental impact of the streetcar. He has been sitting at MPO meetings dealing with FDOT and going nowhere; now he is hearing the same thing here. He asked if they know how many companies in the world do wireless streetcars, lay the tracks, produce the cars, and actually have done it.

Mr. Lepore stated that to his knowledge there are at least three such companies.

Mayor Levine asked to have a process where the City identifies the three companies that have done these projects, give them a plan, going from 5th to Washington Avenue cutting down to Alton Road, and then go to these three companies and ask them what their vision is and to give the City a price range; tell the City what that might be, the evaluation committee makes their selection, the City Manager picks, and then the City moves forward with the company. The City is not committed to any one company at this time; the City is not writing a check. Mayor Levine stated that the City is taking the lead; they are not committed to any vendor. In the private sector, you do not allow the consultant to lead the train; the private sector companies' proposing lead, as they may come up with a better project and with better pricing. The consultants should not be leading the train or tell us how it is designed. He wants an environmental study from them; design the initial plan, give the plan to the three companies and let the companies come back with a proposal.

Commissioner Alemán has made many purchases of complex and expensive Information Technology systems in her career; she does not want to pay consultants to write requirements for this. From a technology standpoint, this technology is different. A consultant should not be paid to try to rationalize the different technologies and come up with standard platforms; that may create false requirements. The Commission agreed to do unsolicited bid to come up with solutions and compare them with the value and impact in the community. Bidding is not the traditional process for something of this nature.

Commissioner Arriola referred to an article published in The Atlantic City Lab newspaper where they compare the DC streetcar, which took over nine years to build, with other major projects that took less time to construct. The article compare the Portland system, which took two years from the time they broke ground, the Salt Lake City system, which took two years, and the Atlanta system, which took two years. The City is choking on traffic and this should have been done twelve years ago. This needs to be done. It cannot wait.

Commissioner Grieco suggested letting the actual consulting companies move forward as directed months ago with policy direction.

Commissioner Rosen Gonzalez stated that there is no choice but to approve this amendment. She requested for the City notify residents/businesses on Washington Avenue and get public input so that everyone is on board.

City Manager Morales stated that the environmental analysis requires extensive public hearings and meeting process, public hearings, financial aspects and undergrounding issues.

Mayor Levine feels that they need to shorten the qualification period; pick a group to move forward with, and not be bound to the group, so they can go to No. 2 or 3 if needed, as long as it is done legally.

Alexander P. Heckler, Esq., explained that they submitted their letter because the process was going off the rails. In December, the City Commission voted unanimously to accept an unsolicited proposal allowing maximum timeline of 120 days to move forward with the process; the City is getting now a design/build process. Because there are no funding sources allocated, this City Commission chooses a process that allows to select the best company, get into an interim agreement, as allowed by the Statute for unsolicited proposals, find the funding sources, the best company, the best price and move forward. What the City is getting now is a project that timelines for December 2017; however, they think that the timeline is about a year short, because they are asking for a firm price. To get a firm price, consultants need to do a full technical alignment, spec it out and have a firm price. How long will this take and how will the companies commit to a stipend. He added that in the 60-day period, Kathie G. Brooks, Jose Gonzalez and Rafael Paz spent a great deal of time on this, and they should be praised. Buy America, at the policy executive committee meeting, the project changed. When Miami Beach moves, then everybody else moves. They committed that the City will not use Federal funding, State, City, local funding or other private sources, so Buy America is not a requirement, as this City Commission said in December, it is expensive and is time consuming. The unsolicited proposals submitted were 100% wireless, except in the depot. Now they are asking to have wires in the stations on Washington Avenue and others. This is for a bigger area, not for small Washington Avenue. They need to get to an interim agreement. The process described is the unsolicited proposal process. Addendum 5 destroys the unsolicited proposal process. The City can get the best companies around the world to give their qualifications; have them analyzed by a selection committee the City Manager puts together, select a company, negotiate the best price and agreement/technology and move forward parallel with the environmental. The process in Addendum 5 is not a financial closing of December 2017, but late in 2018. It costs time and money to put together a very expensive firm price and it will cost the City money. He urged to reject this and put the unsolicited process back in, Buy America exempt, and 100% wireless except in the depot.

Jimmy L. Morales, City Manager, thinks there is a misunderstanding here. The unsolicited proposal received specifically said that the City would be responsible for the environmental, the underground analysis, etc. The perception that the City would never have to spend money was not accurate even under the original proposal submitted. Mr. Morales wanted to clear this for the record.

Lowell R. Clary, President Clary Consulting, LLC, added that the unsolicited proposal lays the track, does the streetcars; and it specifically says the City is responsible for all permits. It specifically says the City is responsible for utility relocations and roadway rework; so the unsolicited proposal is the streetcar only; anything else is on the City to do. It is not free and clear.

Discussion held.

Mayor Levine thinks that except for Commissioner Rosen Gonzalez, no one else likes the process.

Discussion held.

City Attorney Aguila explained that this is a policy matter; the option the Administration has is the option recommended by the consultant. Mr. Heckler is recommending an expedited option, which is different from what the consultant is recommending, which is that after 120 days, they do not allow any more proposals, take the proposals they have and rank them by qualification by an independent committee; once ranked by qualification, they shall begin to negotiate with the first ranked proposer. The first negotiation would be for an interim agreement, which leads to a comprehensive non-binding agreement, and to fine tuning details; and then short list. After the short list of proposers proceeds to Phase 2, at which time they develop technical proposers, and at that point, the City selects and negotiates with a proposer. There are a few months' differences between the two options.

Discussion continued.

Rafael Paz, First Assistant City Attorney, explained they would need to amend the procurement document to conform it to 120 days solicitation period and the qualification based selection and then moving to the interim agreement. Currently they have 120-day phase one with a 60-day phase two.

Discussion continued.

Motion made by Commissioner Grieco to make an adjustment for 120 days shut down for qualifications, ranked the proposers, negotiate with No. 1, 60 days negotiation for an interim agreement and come back to the City Commission for recommendation; seconded by Commissioner Alemán to approve the Resolution with the amendments given; Voice-vote: 6-1; Opposed: Commissioner Rosen Gonzalez. **Kathie G. Brooks, Jose Gonzalez, Alex Denis and Rafael Paz to handle.**

City Attorney Aguila suggested 60-day negotiation during the interim agreement. He explained that they have an allocated budget for consulting fees and asked authority to retain an Outside Counsel with expertise in owner's representation. Authority to retain outside counsel approved by acclamation.

City Manager Morales repeated the direction given:

- Close proposal in 120 days
- Negotiate 60 days with the number one proposer
- No stipends
- No Buy America requirements
- Permit proposer to identify more than one potential vehicle
- Catenary technology in maintenance facilities
- Application fee remains the same
- Retain outside consultant

Erik Zichella, Esq., stated that what is going to delay this project is the ability to deliver manufactured vehicles to the system in the timeline specified. Staff has to look at the record and see who has delivered vehicles that will comply with this that meet ADA requirements, etc. The unsolicited proposal is from a provider that has never done that in the United States. By adopting the amendment that passed, this City Commission is blocking competition. The City is specifying that there can only be charging wires in the depot, and you can have a completely wireless system that has charging wires within the stations in the covered portion of the stations that block train and charges the vehicles. He is aware of five vehicles in the marketplace that have a wireless system that has been deployed in other parts of the world. Four out of the five of them operate on battery systems for their vehicles, which means that the battery takes the vehicle from station to station; it stops at a station while is picking up and dropping off passengers, and the vehicle charges at the station, not only at the depot, where repairs are done. By passing this amendment, this City Commission has guarantee that they will only receive one proposal, because Alstom is the only company in the world that produces a vehicle that charges from a wire. The difference is that the wire is not overhead; but in the ground. Everybody else that is doing wireless streetcars has a streetcar that charges the battery or a supercapacitor, going from station to station and

charges while it stops. The difference is that when you build a system that has a wireless vehicle that is based on batteries, that system is much less expensive to build, so you want to loop, you want a bigger system that goes to areas that are more residential, you should be building a system with battery vehicles, not wireless.

10:32:13 a.m.

Motion made by Vice-Mayor Steinberg to move to reconsider the previous motion; seconded by Commissioner Alemán. Voice vote: 7-0.

Commissioner Grieco stated that they need to discuss the basis for reconsideration first, as point of order.

Vice-Mayor Steinberg explained that after Mr. Zichella spoke, she wanted to make this as competitive as possible, and not narrow the solicitation, so she felt that the best way was to expand the criteria within the same time constraint, and suggested that the battery issue at the stops be included.

Erik Zichella, Esq., clarified that the City should allow for battery and supercapacitors charging stations at the station locations and request information concerning ability to deliver vehicles within the specific time frame.

Vice-Mayor Steinberg moved to add to the recommendations battery and supercapacitors charging stations at the station locations and the ability to deliver vehicles within the specific time frame; seconded by Commissioner Grieco; Voice vote: 7-0.

Handouts and Reference Materials:

1. Letter from Alexander P. Heckler, Esq., of Llorente Heckler, P.A., dated March 9, 2016, RE: Agenda Item R7L – Draft addendum No. 5 to the Solicitation of Alternative Proposals for an Off-wire Light Rail/Modern Streetcar System.

4:33:53 p.m.

R7M A Resolution Accepting The Recommendation Of The Neighborhood/Community Affairs Committee And Approving The Proposed Traffic Flow Modification To 42nd Street Between Sheridan Avenue And Pine Tree Drive.

(Transportation)

ACTION: Resolution 2016-29327 adopted. Item heard in conjunction with companion item R9F. Motion made by Commissioner Malakoff; seconded by Commissioner Alemán. Voice vote: 5-0; Absent: Mayor Levine and Commissioner Rosen Gonzalez. **Jose Gonzalez to handle.**

Jose Gonzalez, Transportation Director, introduced the item and gave background information regarding discussions at Committee.

Vice-Mayor Steinberg thinks there is consensus that this should be a two-way street.

Commissioner Malakoff is in favor of this. She mentioned that since the traffic light was placed, is causing backup traffic between 4:00 p.m. and 7:00 pm, on Pine Tree Drive for those vehicles going south. She asked Mr. Gonzalez to look into it. **Jose Gonzalez to handle.**

1:52:06 p.m.

SUPPLEMENTAL MATERIAL 2: MEMORANDUM & RESOLUTION

R7N A Resolution Waiving, By 5/7th Vote, The City's Formal Competitive Bidding Requirement, Finding Such Waiver To Be In The Best Interest Of The City; And Approving And Authorizing The City Manager Or Designee To Increase The Scope Of Services Submitted By Metric Engineering Inc. (MEI), As Successor By Merger With Advance Transportation Engineering Consultants, Inc., For Traffic Monitoring And Management Services, Including Performance Measures, Through May 31, 2016, On A Month To Month Basis, For An Amount Not To Exceed \$122,000; And Approving MEI As The Successor Vendor Entity For The Services; And Further Authorizing The City Manager To Extend And/Or Modify The Level Of Service Provided By MEI Until Implementation Of Intelligent Transportation System And Smart Parking System Project, Based Upon The Traffic Needs Of The City And Subject To Funding Availability.

(Transportation)

ACTION: Resolution 2016-29328 adopted. Motion made by Commissioner Malakoff; seconded by Commissioner Grieco. Voice vote: 6-1; Opposed: Commissioner Rosen Gonzalez. **Jose Gonzalez to handle.**

Jose Gonzalez, Transportation Director, announced that currently the City has engaged Metric Engineering, for traffic monitoring and management services. They have been doing this for a couple years now. The level of service they are providing is for monitoring and management during weekdays, Monday through Friday between 7:00 a.m. and 9:00 a.m., between 12 Noon and 1:00 p.m., and between 4:00 and 7:00 p.m.; and they also monitor manage traffic during major special events. This item will allow the City to engage Metric at a higher level for 14 hours a day Monday through Sunday, monitoring as well as management on weekends. They will be monitoring for the 14 hours and management will be on as needed basis, i.e., measures taken into the field to try to improve traffic flow. He explained that the mechanism used to engage Metric was through a contract the company had with the FDOT during the Alton Road project, so they already have cameras and travel time devices installed along Alton Road. They supplemented that effort engaged them at a Citywide level, and that was done by bid waiver.

Discussion held.

Vice-Mayor Steinberg wants to know how effective this will be.

Mr. Gonzalez stated this will be very effective, a great deal of incidences and traffic issues are occurring during the off peak hours. Something could happen at 2:00 p.m. or 3:00 p.m., and currently they have no coverage. This item will allow them to have that coverage from early morning to 9:00 p.m.

Commissioner Rosen Gonzalez does not like the idea of waiving bids.

Discussion continued.

Mr. Gonzalez added that the contract is to be in effect until they can implement the intelligent system, which is permanent; this is expected to be in place sometime late in 2017 or early in 2018.

Commissioner Grieco stated that they have infrastructure already in place, and he asked if this is just an expansion of time or responsibility.

Mr. Gonzalez explained that it is an expansion of services throughout the day with the same existing infrastructure.

Discussion continued.

Kathie G. Brooks, Assistant City Manager, stated that there is one change. Currently there is a vacancy for the position embedded at the Miami-Dade County Transportation Center, and they are asking to use one of Metric's engineers to cover that position while the City permanently fills that position.

2:29:22 p.m.

R70 A Resolution Accepting The Recommendation Of The Neighborhood/Community Affairs Committee To Continue To Evaluate The Feasibility Of An Intermodal Facility In Mid-Beach And To Explore Potential Alternate Sites For Debris Storage.

(Transportation)

ACTION: Item deferred to the **April 13, 2016** Commission Agenda and not referred to NCAC. Motion made by Commissioner Grieco; seconded by Commissioner Alemán to defer to the April Commission Agenda. Voice vote: 6-0; Absent: Mayor Levine. Lilia Cardillo to place on the Commission Agenda if received. **Jose Gonzalez to handle.**

RECOMMENDATION:

- Bring back to the April 13, 2016 Commission Agenda
- Not refer to NCAC
- Bring recommendation from FDOT to move forward with the project

Jose Gonzalez, Transportation Director, introduced the item, which is a Resolution to accept the recommendation of the NCAC concerning the continuing evaluation of the feasibility of an intermodal facility located at the end of 41st Street. This is a parcel of land, of approximately five acres, currently designated as a debris storage site, and as part of the evaluation they will look at other sites within the City that could be potentially used for debris storage and processing, so that this site can be move forward as the intermodal facility in Mid Beach.

Commissioner Grieco read the subject of the Resolution: "Accepting The Recommendation To Continue To Evaluate The Feasibility And To Explore." He explained that for 7½ miles they need to find out where FDOT can dump their stuff. The City does not have that much empty land, and this is the worst bureaucratic sentence he has ever seen. Either they have space, or they do not.

Mr. Gonzalez stated that the item will go back to NCAC in April for alternative sites; FDOT has criteria for these facilities and they need to be close to land state roads for quick ingress and egress, so that material will be looked at to see what site potentially can accommodate a debris facility.

Commissioner Grieco suggested bringing back next month for the City Commission to approve and not refer to NCAC.

Commissioner Alemán asked if the site is only used for debris storage, or also for construction material fill.

Mr. Gonzalez answered that the site is used by contractors to stage their equipment and materials, but it is owned by FDOT and designated as debris storage. If land was needed by FDOT; but the City has the right to ask the land to be cleared in case of emergency.

4:44:36 p.m.

R7P A Resolution Approving And Authorizing The City Manager To Execute A Public School Concurrency Proportionate Share Mitigation Development Agreement ("Agreement"), Attached Hereto As "Exhibit 1", Between The City Of Miami Beach ("City"), Miami-Dade County School Board (M-DCSB) And The Property Owner, 3425 Collins, LLC, Hereinafter Referred To As "Property Owner" Of 3425 Collins Avenue (Hereinafter The "Property"); Which Agreement Provides For The Payment Of Concurrency Fees Toward M-DCSB By Property Owner To M-DCSB Due To The Property Owner's Application To Construct 67 Multifamily Residential Units; And Which Agreement Is Consistent With The Requirements Of The Amended And Restated Interlocal Agreement (ILA) Between M-DCSB And The City, Dated December 12, 2007.

(Planning/Office of the City Attorney)

ACTION: Resolution 2016-29329 adopted. Motion made by Commissioner Malakoff; seconded by Commissioner Alemán. Voice vote: 6-0; Absent: Mayor Levine. **Thomas Mooney and Office of the City Attorney to handle.**

Thomas Mooney, Planning Department Director, introduced the item, which is a proposal to establish another public school concurrency proportion share mitigation development agreement. A similar development agreement was approved by the City Commission for the 500 Alton Road project; this pertains to a project approved in 2014, The Versailles project on Collins Avenue, for 67 residential units and includes two separate options.

1:31:00 p.m.

R7Q A Resolution Approving And Authorizing Amendment No. 2 To The Development Agreement Between The City And Jameck Development, Inc. (Developer), Dated July 23, 2014, For The Design, Development, And Construction Of Certain Streetscape Improvements In The City's Right Of Way, At The Portion Of Euclid Avenue Between Lincoln Road And Lincoln Lane South (The Project); Said Amendment Approving A City Requested Change Order, In The Amount Of \$13,498.88, Relating To The Landscaping For The Project; Providing That Developer Shall Be Responsible For The Unforeseen Environmental Studies And Remediation Relating To The Project, In The Amount Of \$2,810, As Well As Any Additional Environmental Costs Which May Arise Relating To The Project; Increasing The Guaranteed Maximum Price (GMP) Of The Project From \$806,340 To \$819,838.88; And Increasing The City's Budgeted Costs For The Project From \$458,820 To \$466,500.86; And Further Authorizing The Mayor And City Clerk To Execute Amendment No. 2.

(Public Works)

ACTION: Resolution 2016-29330 adopted. Motion made by Commissioner Grieco; seconded by Commissioner Malakoff. Voice vote: 6-0; Absent: Commissioner Arriola. **Eric Carpenter to handle.**

Jimmy L. Morales, City Manager, stated that this is an amendment to the agreement is adding \$15,000 as part of the Euclid project, and the Administration is recommending.

11:24:38 a.m.

R7R ~~A Resolution Exempting Uses On Parklets Located Washington Avenue Between 6th Street And Lincoln Road With An Application Date Between March 19, 2016 And February 28, 2017 From The Concurrency Requirements Of Chapter 122 Of The City Code.~~

Clerk's Note: The Resolution title was revised to comply with amendments on the floor.

A Resolution, Exempting Sidewalk Cafes And Parklets Located On Washington Avenue Between 6th Street And Lincoln Road From The Transportation Concurrency Requirements Of Chapter 122 Of The City Code, For The Period Beginning On March 19, 2016 And Ending On March 31, 2017.

(Sponsored by Commissioner Joy Malakoff)

ACTION: Resolution 2016-29331 adopted as amended. Motion made by Commissioner Malakoff; seconded by Commissioner Alemán. Voice vote: 7-0. **Thomas Mooney to handle. Clerk's Note:** See also item R5I.

Amendment:

- Exemptions for parklets and sidewalk cafés to be included for up to three years
- Prepare annual reports to the City Commission

Clerk's Note: The executed Resolution indicates:

- The amendment made on the floor to waive concurrency for sidewalk cafes, in addition to parklets.
- That the only concurrency requirement waived is transportation concurrency.
- The revised to correctly indicate that the waiver is for a one year period, ending on March 31, 2017.

Thomas Mooney, Planning Department Director, stated that this is the Resolution that grants the exception, which makes it clear that the exemption is for no more than three years for parklets. He asked if an exception is to be included to the sidewalk cafés to coincide with that.

Commissioner Malakoff stated that the exemption is to include exemptions to parklets and sidewalk cafés for three years.

Eric Carpenter, Assistant City Manager/Public Works Director, stated that there are three different types of concurrency charges; 1) transportation, 2) water and 3) sewer, and he wants to require people expanding their footprint to pay their proportionate fair share and keeping up the City's infrastructure. He asked for direction from the City Commission.

Commissioner Malakoff stated that water and sewer concurrency was part of this

Discussion held.

11:00:57 a.m.

R7S A Resolution Approving The Substantive Business Form Of A Proposal Agreement Between The City And Florida Department Of Transportation (FDOT) For The Cost Sharing Of A Construction Project On Indian Creek Drive, Between 26th And 41st Streets, For The Construction Of A Seawall Barrier Wall, Improving Street Drainage And Raising The Road Elevation, Authorizing The City Manager And City Attorney's Office To Negotiate A Final Agreement With FDOT; And Further Authorizing The Mayor And City Clerk To Execute The Final Agreement; Provided That If On The Substantive Business Terms (As Set Forth In This Resolution And The Accompanying Commission Memorandum) Chance, Requiring The Agreement To Come Back To The City Commission For Further Approval.
(Public Works)

ACTION: Resolution 2016-29332 adopted. Motion made by Commissioner Malakoff; seconded by Commissioner Grieco. Voice vote: 7-0. **Eric Carpenter to handle.**

Recommendations:

- City to take the lead
- Include landscaping

Mayor Levine stated that the City is spending a great deal of money to make Miami Beach resilient, raising the streets and putting in pumps; they have had tremendous progress on the western part of the City; however, one of the areas that continues to flood consistently, and unfortunately gets the world's media attention, is Indian Creek with reference to "fish swimming on the streets." This is frustrating for the City, as this is not City property and they cannot spend money to fix the State roads. The Mayor went up to Tallahassee with Eric Carpenter, Bruce Mowry, Chief Engineer, and Scott Robins, who leads the Flooding Committee, and they met with the Secretary of Transportation; they made an incredible compelling argument and presentation showing how the Indian Creek floods and urging the State to take care of it, and after aggressive negotiations led by the City, the State has finally come back with a plan to hopefully rectify what is happening on Indian Creek, although they are asking the City to share part of the costs.

Eric Carpenter, Assistant City Manager/Public Works Director, stated that this is a Resolution to allow them to continue negotiations and execute a funding agreement with FDOT, to do the improvements necessary on Indian Creek, between 26th and 46th Streets, to alleviate these flooding concerns. There are three components; 1) the reconstruction of the roadway itself, which FDOT will cover all costs; 2) the installation of a Pump Stormwater system to serve the City streets, from 27th through 40th Streets. They have done a breakdown of cost associated with the City portion and the State portion, and the City cost share is approximately \$3.4 million to install the pump drainage system for the streets. A third component is the installation of a crash barrier/cut off wall that would allow them to be successful with the pump solution on the backside of the wall, as the one installed during the King tides last year. That portion of the project is about \$7 million, of which they are asking the City to cover 30%, as the City owns 30% of the adjacent properties where the seawalls are too low. This would equate to approximately a total of \$5.5 million, and the State is willing to commit \$29 million to making this project move forward. The State had asked if the City can manage the construction activities, and they believe that the City can get it done quicker than the State can, so they are working in that direction. There are two substantive items that they need to negotiate with the State; the State's initial proffer was to cap their costs at \$20 million; obviously if something comes up that requires additional input, they want to have the ability to go back to the State and get additional cost share. The other issue is that the State has been stringent in their initial proffer on how they want the City to move forward with the construction activities. The City asked that they allow them to move forward by any legal means of procuring those services, because they believe there is an emergency out there and it needs to be dealt with.

Mayor Levine explained that FDOT expected the work to be done by 2019, and now the State will put in 80%; he recognized the City Manager, Eric Carpenter and Bruce Mowry for their efforts and for aggressively negotiating with the State to get them to this point. He asked if there was consensus on the deal.

Commissioner Rosen Gonzalez has no problem with the financing, but asked what plans are in place to alert neighbors when the streets are closed.

Mr. Carpenter answered that they will probably remove the parking on the east side of Indian Creek and allows traffic to move through on a lane where the parking exists today, while they are doing construction activities. There may be intermittent periods where they are doing crossings with two-way traffic on Collins Avenue, but they will minimize this as much as possible.

Discussion held.

In answering Commissioner Malakoff's question, Mr. Carpenter explained that they are looking at putting in a steel sheet pile wall along the FDOT right-of-way with a crash barrier wall that would be at an elevation of 5.7, which would serve the place of the seawall, even though it would be inland; in order not to acquire the property that falls on the other side of the wall and would slow the process.

Commissioner Malakoff stated that it is important to continue the negotiations.

Commissioner Alemán asked if there is an additional cost for the City to take the lead versus FDOT. She also asked if they can get this done before the upcoming King tide in October 2016.

Mr. Carpenter stated that there may be costs associated with the reporting requirements to FDOT, as this is their road; as far as creating the DCP package with preliminaries, it would be approximately less than half a million dollars. He added that on an emergency basis, they can have the cutoff wall in place and the temporary pumps behind it to keep the street dry.

Commissioner Malakoff asked if there is room for landscaping. She suggested placing the cutoff wall two feet farther west, in order to add space to place landscape. Otherwise, cars driving by and people living across the street will be facing a wall.

Mr. Carpenter stated that behind the wall they do not anticipate impacting the existing mangroves on the backside of the FDOT property, so the landscaping currently there will remain. He explained that if they can insert any additional landscaping, they will do so, but they cannot promise putting in large trees due to the size of the area.

Commissioner Grieco explained that the property discussed by Commissioner Malakoff is owned by the property owners, and if there is support in the process, they can reach out to FDOT to fix the neglected seawalls; if the property owners want the benefit of landscaping, they must go into private property and this is up to them whether or not they grant easement.

Discussion continued.

Vice-Mayor Steinberg stated that the work needs to be done to resolve the flooding issues, and stressed the point that if they have any Change Orders that come up, they be divided proportionately between the City and State. She asked that this be negotiated with FDOT. **Eric Carpenter to handle.**

To clarify, Commissioner Alemán understood that in terms of the seawall, they will improve the 30% that is in public land, and raising them to the new heights; however, that leaves 70% of the seawalls.

Mr. Carpenter explained that the State will be paying for the other 70%.

Commissioner Grieco clarified that 30% of the seawalls west of FDOT right-of-way are City property; the City can encroach into that and make it more aesthetically pleasing; the remainder 70% are privately owned, and those property owners would have to allow the City to go further west.

1:57:42 p.m.

R7T A Resolution Of The Mayor And City Commission Of The City Of Miami Beach, Florida, Accepting The City Manager's Recommendation By 5/7th Vote And Waiving The Competitive Bidding Requirement, Finding Such Waiver To Be In The Best Interest Of The City, And Authorizing The Administration To Finalize Negotiations With Tyler Technologies Inc. (Previously New World Systems Corporation) And, If Such Negotiations Are Successful, Approving And Authorizing The City Manager And City Clerk To Execute A Standard Software Maintenance Agreement For A Term Of Two Years, With Up To Three One-Year Renewal Terms, In An Amount Not To Exceed \$1,739,796.

(Police)

ACTION: Resolution 2016-29333 adopted. Motion made by Commissioner Malakoff; seconded by Commissioner Arriola. Voice vote: 7-0. **Police Chief Daniel Oates to handle.**

City Manager Morales explained that for the last year and a half, they have been working on Munis and Energov software systems, which are transitioning in the spring, and this is part of the maintenance agreement for those systems. The reason they waive bid is that they are the only ones who can maintain their own software

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:

HISPANIC AFFAIRS COMMITTEE:

Luz Diaz TE 12.31.17 TL 12.31.23 Appointed by Commissioner Ricky Arriola

POLICE/CITIZENS RELATIONS COMMITTEE

Harold Foster TE 12.31.17 TL 12.31.23 Appointed by Commissioner Kristen Rosen Gonzalez
Steve Berke Resigned 2.23.16

PRODUCTION INDUSTRY COUNCIL

Abdul Muhammad TE 12.31.17 TL 12.31.23 Appointed by Commissioner Arriola

TRANSPORTATION, PARKING, BICYCLE-PEDESTRIAN FACILITIES COMMITTEE

Seth Wasserman TE 12.31.16 TL 12.31.16 Reappointed by Commissioner Michael Grieco

Liaison Appointments

Ramon Suarez Budget Advisory Committee & Normandy Shores Local Gov. Neighborhood Improvement
Cindy Casanova Parks and Recreation Facilities Board

TE: Term Ending

TL: Term Limit

Handouts or Reference Materials:

1. Email from Rafael Granado dated March 3, 2016 RE: Parks Advisory Board Liaison

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

ACTION: No appointments were made.

8:31:48 a.m.

R9B1 Dr. Stanley Sutnick Citizen's Forum.

ACTION: The following individuals spoke:

1. Jeff Donnelly, on behalf of the Flamingo Park Neighborhood Association, thanked the City Commission for their support of the active enforcement of the short-term rental Ordinances. Currently, short-term rental enforcement is complaint-driven only, he asked the City to take an active enforcement stance on the issue.
2. Steve Adkins, as member of the Miami Beach Gay Pride, thanked the City Commission for considering the fee waiver for their event. He introduced George Neary and Dave Cook to speak on this year's event.

Dave Cook detailed this year's Miami Beach Gay Pride event and invited everyone to the Flag Raising Ceremony on April 4. This will be the LGBT's last event at the Shore Club and the VIP reception is at the W Hotel; he invited the City Commission to attend. The Pride Parade is on Sunday and there will be a fireworks display afterwards.

George Neary, Greater Convention Visitors Bureau, works with the committee and mentioned that they will be sending information regarding the unveiling.

3. Nicholas Machado urged to vote against recommending the amendment for the Sunset Harbour residents project, as it would set a bad precedent for the neighborhood and Miami Beach; they oppose the height limit and setbacks. This would negatively affect the quality of life of residents. He asked to keep the integrity of the neighborhood intact and asked that the City Commission vote no and not refer the item to the Planning Board.

8:39:19 a.m.

There being no other speakers, Vice-Mayor Steinberg called a brief recess. Meeting resumed at 8:54:33 a.m. There were no other speakers.

8:54:35 a.m.

City Manager Morales spoke regarding short-term rental enforcement, and stated that almost all Code enforcement is complaint driven.

Commissioner Malakoff asked if a brief blitz could take place to find out who is short term renting.

City Manager Morales stated that a blitz could take place to search for advertising for short-term rentals.

Discussion held.

Commissioner Alemán suggesting having a communication blitz to inform neighbors that short term renting is illegal.

Hernan Cardeno, Director of Code Compliance, stated that a blitz could take place to identify short-term rentals.

1:00:00 p.m.

R9B2 Dr. Stanley Sutnick Citizen's Forum.

1. Erik Zichella spoke on items related to streetcar system. He stated that there are major cost implications with the decisions this City Commission is making today, and once taken, they cannot be taken back. It is important to find out what determines if the vehicles are rolling and how quickly they are rolling. What drives the critical path of the agreement and project is how quickly the vehicles are manufactured; it is not the pace at which the City moves the procurement process. The unsolicited proposer wants exclusivity, but if the City moves into an agreement phase, it will actually slow down the project. Vehicle manufacturing starts on financial closing; however, consultants will say that financial close will be done a year in advance. He understands that their product costs more to build and maintain. The difference is significant in cost. The goal is to get a system that alleviates traffic congestion, but not at the cost of the City. He asked the City Commission to consider when evaluating these proposals what the costs and implications are that go along with it.

01:10:20 p.m.

There being no other speakers, Vice-Mayor Steinberg called a recess until 1:30 p.m.

R9C Discussion Of The Biscayne Neighborhood Association's Resolution Supporting City Of Miami Commissioner And MPO Vice Chair Francis Suarez' Idea To Reallocate Monies Being Used On A MacArthur Causeway "Signature Bridge" And Instead Using These Monies To Create A Baylink Connecting Miami And Miami Beach.

(Sponsored by Commissioner Kristen Rosen Gonzalez)

ACTION: Item withdrawn by Commissioner Kristen Rosen Gonzalez, the sponsor of the item.

11:27:09 a.m.

R9D Discussion - Mayor's Ocean Drive Task Force's Final Report.

(Sponsored by Mayor Philip Levine)

(Direction given on January 13, 2016 - R9D, to bring back in March)

ACTION: Discussion held. Motion made to approve, as listed in the below recommendations, by Commissioner Grieco; seconded by Commissioner Alemán; Voice-vote: 7-0. **Susy Torriente to handle.**

RECOMMENDATIONS:

Move forward with LUDC recommendations;

Delete Item 22, regarding parking rate increase;

Keep vehicular noise items 18, 19, and 20 with the understanding that enforcement will be difficult;

Delete pilot program, but keep the changes that will create space for ADA passage;

Bring back item regarding cycling lanes on Ocean Drive;

Work with Task Force and show progress.

Susanne Torriente, Assistant City Manager, introduced the item. She stated that the Ocean Drive Task Force listed a series of recommendations, which then went to LUDC, and they are now before the City Commission.

Commissioner Malakoff asked if they could discuss items 18, 19, and 20 regarding ensuring the City could enforce noise projected from vehicles blaring music.

Commissioner Grieco stated that he believes this is a Police issue.

Aleksandr Boksner, First Assistant City Attorney, stated that there is a County Ordinance that deals with noise coming from vehicle speakers that could help with this item.

Police Chief Daniel Oates stated that there are some issues in enforcing vehicular noise. This will now create a criminal record; with all the obligations Police Officers have on Ocean Drive, this will redirect efforts in order to enforce it, which includes stopping cars on Ocean Drive during heavy traffic; Ocean Drive is awash with noise, and this effort will not diminish noise in the area.

First Assistant City Attorney Boksner added that the State of Florida Supreme Court found uniform traffic citations unconstitutional for vehicles blaring music. This is why he provided the County Noise Ordinance as an alternative.

Commissioner Malakoff stated that the southern part of Ocean Drive has more noise from business, and asked if the enforcement could take place in the northern part, which is more residential.

Discussion held.

Commissioner Rosen Gonzalez asked Police Chief Oates if there was a correlation between noise and crime.

Police Chief Oates stated that he has not found any correlation.

Mayor Levine asked if there were any recommendations the City Commission did not want or would like to edit.

Commissioner Grieco stated that item No. 4, regarding the special taxing district, is important because the pilot program that took place from January 8 to March 1 greatly reduced crime. He mentioned what a great job Police visibility and lighting does to reduce crime problems.

Commissioner Malakoff stated that LUDC recommended in favor of all the items, and went through the changes they made in items 8, 11, and 25.

Vice-Mayor Steinberg commented that she would like to put a hold on the parking fee increase item, because she would like to see how the current \$4 parking increase is received by the public, before further increases. She also stated that she approved of adding cultural events and suggested having a resident board involved.

Discussion continued.

Mayor Levine stated that the Task Force has done a wonderful job, and because they are so engaged, they asked to stay active.

Commissioner Grieco is in favor with every item, except for No. 22, the parking meter increases.

Commissioner Alemán suggested following the Police Chief's advice about vehicular noise. She believes it is more important for the Police to address crime rather than noise.

Commissioner Rosen Gonzalez disagreed with Commissioner Alemán, and referred to Mitch Novak's viral video on Ocean Drive noise. She asked the City Commission to try it out.

Police Chief Oates clarified that the Police will enforce the direction given by the City Commission.

Mitch Novak stated that noise is the root of the problem the City is experiencing. He gave samples of noise and violence on Ocean Drive. He added that the MXE zoning has diminished quality of life.

Commissioner Alemán is recommended doing away with vehicular noise item, and have the Police focus on crime, and not be distracted by noisy vehicles. Crime is the root of noise, not the other way around.

Discussion continued.

Ms. Torriente went through the list of changes made by the City Commission which were: 1. Going forward with the Land Use recommendations, 2. Deleting No. 22 parking rate increase, 3. Keeping the vehicular noise items with the understanding that enforcement is difficult; 4. Delete the pilot program, but keep the changes that will create space for ADA passage; 5. Bring back item regarding cycling lanes on Ocean Drive; 6. Work with Task Force and show progress.

1:58:36 p.m.

R9E Discussion Regarding Possibly Changing The Presentations & Awards/Commission Meeting Of May 25, 2016 To May 18, 2016, As Mayor Philip Levine And Commissioner Joy Malakoff Will Be Out Of Town.
(Office of the City Clerk)

ACTION: Approved by acclamation. **Resolution 2016-29334 adopted. Rafael E. Granado to handle.**

Rafael E. Granado, City Clerk, introduced the item. Mayor Philip Levine, and Commissioners Malakoff and Arriola will be out of town on May 25, 2016, and have asked to move the Presentations & Awards Meeting to May 18, 2016. Resolution will be updated.

4:35:54 p.m.

R9F Discussion Regarding The Proposed Traffic Flow Modification To 42nd Street Between Prairie Avenue And Sheridan Avenue.
(Transportation)

ACTION: Discussion held. See Action with R7M. **Jose Gonzalez to handle.**

Jose Gonzalez, Transportation Director, introduced the item.

Slide show presentation made.

Commissioner Alemán thanked the Transportation Department for their work. They hosted an onsite meeting with the PTA and homeowners from the neighborhood; and they looked at the designs and debated the pros and cons of having 42nd Street between Sheridan and Prairie Avenues as a one-way or two-way street. She explained that having a two-way street may negatively impact Royal Palm Avenue, and although she asked for a two-way street at first, she now believes it should be left as a one-way street.

Commissioner Rosen Gonzalez stated that the residents did not want the change in the traffic flow for that street.

Mr. Gonzalez stated that one-way streets tend to carry a larger volume of cars.

Discussion held.

Commissioner Rosen Gonzalez asked whether the City should try changing the traffic flow for a week and see if it works.

Commissioner Alemán disagreed with Commissioner Rosen Gonzalez and stated that the problem being experienced is when the parents are dropping their kids off and picking them up from school.

Discussion held.

4:46:10 p.m.

R9G Discussion Regarding The Collins Park Parking Garage Project.
(Capital Improvement Projects)

ACTION: Discussion held. Motion made by Commissioner Grieco to bring an update in **April 13, 2016**; seconded by Commissioner Arriola, and if they do not come back with something that works by April, they will start again and build something in the district. Voice vote: 6-0; Absent: Mayor Levine. **David Martinez and Office of the City Attorney to handle.**

David Martinez, CIP Director, introduced the item, and gave an update as to where they are compared to the last update in December 2015. He stated that there is a new concept for the design, and the price has originally gone up due to sea level rise modifications.

Commissioner Grieco explained that the original change in price was due to the modifications resulting from sea level rise, and went from \$18 million to \$25 million after the Flooding Mitigation's recommendation. The new design from Zaha Hadid was originally just short of \$49 million, but is now at \$29 million.

City Manager Morales stated that they would keep going down the path, and then bring the item back to the City Commission in April with the new price.

Discussion held.

Commissioner Alemán stated that after looking at this project carefully, she would like to scrap the whole project, and have a new parking garage concept with artist housing and less concrete.

Commissioner Malakoff stated that she had recommended this previously, but the contract with Zaha Hadid; they reserve the right to come back with a new plan, so long as they meet the original amount within 5%.

City Manager Morales will do as directed. If this City Commission wants to scrap this project, it has the right to do so.

Raul J. Aguila, City Attorney, stated that the City put Ms. Hadid in default and required her to design the project to the budgeted construction amount. If today the City wanted to terminate the contract for cause, they can do so, and at that point, they would be in litigation to recuperate the costs incurred thus far.

Commissioner Grieco stated that this is another example of an inherited item from the previous City Commission, but he is not ready to scrap the project. He motioned to bring an update in April, and if by then Zaha Hadid has not presented something that works, they will begin a new project in the district.

4:55:26 p.m.

R9H Discussion Regarding National Concerns Over The Use Of Crumb Rubber Field Turf (Applies To Flamingo Park Field).

(Sponsored by Commissioner Michael Grieco)

ACTION: Discussion held. Motion by Commissioner Grieco; seconded by Commissioner Alemán; Voice vote: 6-0; Absent: Mayor Levine. **John Rebar to handle.**

MOTION NO. 1:

Motion by Commissioner Grieco; seconded by Commissioner Alemán; Voice vote: 6-0; Absent: Mayor Levine.

MOTION NO. 2:

Motion made by Commissioner Arriola; seconded by Commissioner Malakoff to authorize the City Manager approve a Change Order to complete the soccer field with new safe products; Voice vote: 6-0; Absent: Mayor Levine.

DIRECTION:

- Use safer more organic products for field turf
- Parks & Recreation and CIP to decide and monitor new studies regarding the use of crumb rubber and other materials
- City Manager to authorize a Change Order to complete new soccer field with safe products

Commissioner Grieco stated that the he has concerns over the use of crumb rubber for field turf after reading articles and studies from different organizations that state that crumb rubber causes cancer and other illnesses. There may or may not be a connection between crumb rubber and cancer, but he suggests the City creates a contingency plan to materials that are healthier.

John Rebar, Parks & Recreation Department Director, explained that several studies, including a study by UCF show that crumb rubber does not cause illnesses or cancer. However, there are alternative organic materials that can be used. He added that CIP is in the process to lay another field in Flamingo Park in the North East corner, and asked for direction on which materials the City Commission would like for them to use.

Commissioner Arriola stated that the City should find a suitable alternative for the new field, and in regards to the old field, if crumb rubber is found to be carcinogenic; the City must replace all fields regardless of cost.

Commissioner Alemán stated that North Beach Elementary did not use crumb rubber for their fields because of the concern that it may cause cancer.

Commissioner Grieco stated that the City needs to use safer and more organic materials for fields, and leave the decision to Parks & Recreation and CIP to make the decision.

David Martinez, CIP Director, asked direction on the current soccer field. This project was procured through the NJPA process, which typically anything under \$250,000 the City Manager is authorized to approve. He asked for authorization for the City Manager to process a Change Order vetted for whatever the new safe product is to get this completed.

Motion made by Commissioner Arriola; seconded by Commissioner Malakoff to authorize the City Manager approve a Change Order to complete the soccer field with new safe products; Voice vote: 6-0; Absent: Mayor Levine.

5:02:13 p.m.

R9I Discussion Regarding Improving 72nd Street, Between Abbott And Dickens (Near The North Shore Youth Center), Including Adding Crosswalks, Lighting, Angled Parking And Fixing Sidewalks.
(Sponsored by Vice-Mayor Micky Steinberg)

ACTION: Discussion held. Item referred to NCAC meeting of **March 11, 2016. Morgan Goldberg to place on the committee agenda. Eric Carpenter and Jose Gonzalez to handle.**

REFERRAL:

March 11, 2026 Neighborhood/Community Affairs Committee

Vice-Mayor Steinberg introduced the item. She stated that there is a Master Plan for the North Beach area, but she believes there are a few issues that can be easily resolved, such as the lack of crosswalks between Abbott Road and Dickens Avenue, and improved lighting.

Jose Gonzalez, Transportation Director, stated that they will be working with Public Works and CIP.

Vice-Mayor Steinberg proposed referring the item to NCAC.

11:57:05 p.m.

R9J Discussion Regarding Organizing A Monthly Ciclovía Event In The City.
(Transportation)

ACTION: Discussion held. Motion made by acclamation to move forward with the Ciclovía event in May and bring back a synopsis subsequent to that. **Jose Gonzalez and Tonya Daniel to handle.**

Mayor Levine stated that New York City has a program in which they close Park Avenue once a month to cars, and only allow pedestrians and bicyclists. He would like to do the same in Miami Beach, and close a section of Washington Avenue once a month during the morning.

Jose Gonzalez, Transportation Director, stated that they will close Washington Avenue between 5th and 16th Streets for Ciclovía. This would be from 10 a.m. to 2 p.m., but they are willing to start earlier.

Discussion continued.

Eberardo Padron asked the City Commission to be careful this project does not get out of hand and become an event such as "critical mass," which greatly disrupts traffic.

Jose Gonzalez, Transportation Director, stated that May 1, will be the first event and they will come back with an analysis of the event. If the event is successful, they would like to make it recurring.

Robert Finbard, stated that he owns a hotel on Washington Avenue, and asked what will be done to accommodate for the guests checking in and out.

Mr. Gonzalez stated that each intersection will be under Police control, and access will be permitted to hotels.

2:51:14 p.m.

R9K Referral To The Planning Board - Proposed Ordinance Amendment Pertaining To CD-2 Height And Setback Requirements In The Sunset Harbor Area.
(Sponsored by Commissioner Joy Malakoff)
(Legislative Tracking: Planning)

ACTION: Item referred. Motion made by Commissioner Arriola to defer the item for 60 days; seconded by Commissioner Grieco; Voice vote: 6-0; Abstained: Mayor Levine. Item to come back **May 11, 2016**. Lilia Cardillo to place on the Commission Agenda if received. **Thomas Mooney to handle.**

Clerk's Note: Form 8B, Memorandum of Voting Conflict for County, Municipal, and Other Public Officers filed by Mayor Levine on March 16, 2016. Clerk 8B # 130

DIRECTION:

Parties to come discuss and attempt a compromise, item deferred for 60 days; report to the City Commission on May 11, 2016.

Thomas Mooney, Planning Department Director, introduced the item. The amendment would modify CD-2 regulations in Sunset Harbour specific to properties that have a 200-foot frontage. They are asking to refer the item to the Planning Board for consideration.

Commissioner Malakoff added that this is only for mixed-use buildings with a 200-foot frontage on Purdy Avenue, contrary to mailers that were distributed with misinformation. She recommended referring the item to the Planning Board.

Michael Larkin, Esq., explained that the flyer that was distributed was in opposition to the Code amendment. The flyer was filled with misinformation stating that this project would increase traffic. He added that the flyer did not include an acknowledgement, which is illegal under State law. He asked that the Code amendment go through the normal legislative process.

Brad Colmer stated that they are trading intensity for height, and creating public spaces, which the whole City can enjoy. He addressed the opposition they have received from Beach Towing and The Lofts.

Rafael Andrade, representing Beach Towing, is opposed to this item. The item is not to approve a project, but to change the law for a single development. He stated that the City chose downsizing in the past, because people were against height increases. There is concern in this neighborhood because the development will affect the quality of life of the neighbors. He addressed the concerns of his clients, who were told that they would be put out of business if they did not agree.

Raul J. Aguila, City Attorney, stated that the action before the Commission is to refer the item to the Planning Board for their consideration and recommendation. The pros and cons of the issues are not in front of the City Commission today.

Commissioner Grieco expressed his opposition to referring the item.

Commissioner Rosen Gonzalez has received several e-mails by residents who are opposed to the project, and she will be voting "no."

Commissioner Malakoff explained that the Sunset Harbour neighborhood has changed a great deal since 1999. She believes the zoning change is worthwhile, because it will improve the changing neighborhood.

Commissioner Alemán stated that towing is a necessary service, but this item is not regarding towing. She added that the Neighborhood Associations are in support of the item, and the City Commission should take notice. The project will be a public benefit, and a shade study was done, which determined the building will not cast a shadow over Maurice Gibb Park. She is in favor of referring the item to the Planning Board.

Commissioner Arriola acknowledged the concerns from the towing companies and The Loft building, but he believes this is a good project for the neighborhood. He stated that both parties in this discussion are guilty of nastiness and heavy-handedness during the process, and would like to defer the item 60 days for the parties to find consensus.

Former Commissioner Nancy Liebman, who lives in Belle Isle, stated that her community voted in favor of the Code amendment, because they support this project, and want to move forward. There is good support in Sunset Harbour for this project, and they want to see the neighborhood grow to the next stage.

Discussion continued regarding the height increase in the area.

Commissioner Malakoff thinks they should look at what is best for Sunset Harbour.

Adonis Garcia stated that he does not appreciate the accusations that the other party is being extorted. He claimed that he is not in favor of the project, and has voiced his opinion.

Nicholas Machado, President of The Loft South Beach, is not in favor of the height increase. He believes the developers can create something similar, but within the current Code, just as the Palau did.

Mr. Colmer stated that he had reached out to members of The Loft, but he was threatened with a bar complaint by former Commissioner Jonah Wolfson from having ex parte conversations with The Loft residents.

Discussion continued.

Mr. Larkin stated that they are looking for options, but he is afraid that the other party is too unreasonable with their requests to reach a consensus.

Rafael Andrade, addressed Ms. Liebman's comments, and asked the City Commission to vote against height increase.

Commissioner Arriola moved to defer the item for 60 days; Commissioner Grieco seconded the motion.

City Clerk's Note: Item to return to the City Commission on May 11, 2016.

2:41:47 p.m.

R9L Discussion Regarding A Potential Annual Live Music Festival.
(Office of the City Manager/Tourism, Culture & Economic Development)

ACTION: Discussion held. **Marcia Monserrat and Max Sklar to handle.**

Max Sklar, Tourism, Culture & Economic Development Director, introduced the item. He stated that after the Centennial celebration, an organization called Huka Entertainment approached the City with the interest in holding an annual concert. Huka Entertainment produces several concerts including the Tortuga Festival in Fort Lauderdale, which he and his staff researched, and came to the conclusion that it is a very positive event for the City. He believes an annual concert sometime in November will be beneficial for the City since Miami Beach, and in fact, Miami-Dade County does not have any annual concerts aside from Ultra.

Commissioner Alemán is on board with a musical festival. She would like for the City to have control over what genre of music is played, and also asked to incorporate local musicians with the concert.

Commissioner Arriola is in favor of the concert and suggested holding it in North Beach. He also asked to explore the possibility of having local musicians participate. He added that although such an event would bring traffic, there are many benefits to the community by hosting an annual concert.

Commissioner Grieco stated that he does not support this item. He believes this type of event will increase traffic, and go against the City's efforts in reducing traffic and day shows.

Discussion continued.

Commissioner Rosen Gonzalez suggested a jazz festival.

Michael Llorente, Esq., added that The Fontainebleau would be interested in participating in such an event.

Discussion continued.

City Manager Morales stated that they will bring item back to the City Commission.

2:34:19 p.m.

R9M Discussion Regarding A Potential Tennis Event In North Beach And Other Areas Of Miami Beach.
(Sponsored By Vice-Mayor Micky Steinberg)
(Legislative Tracking: Tourism, Culture & Economic Development)

ACTION: Discussion held. Motion made by Commissioner Alemán; seconded by Commissioner Malakoff; Voice-vote: 6-0; Absent: Mayor Levine. **Max Sklar to handle.**

Max Sklar, Tourism, Culture & Economic Development Director, introduced the item. He stated that there are three tennis events that they are interested in bringing to Miami Beach, and they are: 1. The International Tennis Federation (ITF) Worldwide Coaches Conference, which has 1,200 attendees scheduled for 2017; 2. The ITF General Meeting with 210 member nations being represented, scheduled for 2018, and lasting for 4-6 days; and 3. The ITF Seniors World Team Championships, which will have back-to-back teams represented from all over the world. CAA is requesting a commitment of \$100,000 to produce the event. They are seeking direction before negotiating any final agreements.

Vice-Mayor Steinberg stated that this is an elite tennis event. There was consensus on the dais previously to approve this event. This will have a great positive impact for the whole community.

Discussion held.

Mr. Sklar detailed how the event would take place. The initial rounds of the event would take place in the City of Miami, and from then on the quarter, semi, and finals will be held throughout Miami Beach.

Commissioner Malakoff stated that this is a great idea.

5:04:19 p.m.

R9N Discussion Regarding A Recommendation To Display The Historic Miami Beach Centennial Exhibit On A Permanent Basis In The Fourth Floor Gallery Of City Hall, And Designate One Wall For Current Photographs.
(Sponsored by Commissioner Joy Malakoff)

ACTION: Discussion held. Motion made by Commissioner Malakoff; seconded by Commissioner Aleman; Voice vote: 6-0; Absent: Mayor Levine. **Max Sklar to handle.**

Commissioner Malakoff stated that during the City's Centennial, they had a wonderful exhibit that was admired by many members of the public who had the chance to see it, thanks to the Office of the City Clerk and FIU, who digitized historical photographs of Miami Beach over 100 years. Her recommendation is to have a permanent historic exhibit display in the Fourth Floor Gallery, where they currently have exhibits; this would be permanent, but one wall will be reserved for current photographs.

4:10:02 p.m.

R90 Discussion And Referral To The Neighborhood/Community Affairs Committee - Proposed Design Of The Allison Park Playground And Allowing Residents To Offer Input And Playing An Active Role In The Process.

(Sponsored by Commissioner Kristen Rosen Gonzalez)

ACTION: Discussion held. Item not referred to NCAC. Motion made by Commissioner Rosen Gonzalez to refer to NCAC to find a process and have residents weigh in; no second. Motion fails. Item to go back to the Historic Preservation Board.

Commissioner Rosen Gonzalez introduced the item, and thanked the group in the audience for attending the meeting. She explained that the public wants to be able to have input as to the design of the Park, and just as they did with the Flamingo Park, padel and racquetball, they want to sit down and discuss what the Park is going to look like, since they did not have the opportunity to give input. That is why she is trying to refer the item to NCAC.

John Rebar, Parks and Recreation Department Director, explained that it is good to see people come together for the common good, but clarified that factually, on September 2, 2015, a hard concept was proposed to the City Commission. That was a concept that was made public, and he has the backup from the September 2nd Meeting, which has the footprint, plans and photographs of the Park. That concept was made public and there was a process. It was catapulted into the process that was attached to the Wellness Center. The residents did organize, they got t-shirts, and they had point of contacts. They had constant communication. He has met several of them, both virtually and in person, but to say that there was not a process, and that they did not know, is just not factual. The site plan has not changed much from the September 2nd meeting, and there was a great deal of feedback received. In fact, the feedback was in writing, in meetings that were not televised and in televised meetings. The residents stated that they are fine with the City project; it was the Wellness Center they have a problem with. The picnic tables are not newly introduced; they were public on September 2nd. The exercise equipment is not new; they were made public on September 2nd. The size and layout of the playground, the location being on the north side, not the south side, nothing has changed. Out of the public process, residents did reach out and said that they liked the playground, but they do not like is the musical component. This was a musical component that was put in because it was really geared towards visually impaired children. The public stated that to have that musical component and the sound, even though it was well intended and it would have a great impact, it was not the right fit. Since September 2nd, to date, the musical component has been removed. It has been replaced with a sensory wall. His concern is wherever the direction goes, he needs to clarify that it is not fair or true to criticize the City Commission or staff that the public did not know what the playground looked like and that the public did not have a chance to provide input.

Commissioner Rosen Gonzalez stated that they do not want to criticize anybody. All they would like is the same opportunity that the people had with the Hass building, the same opportunity, which is to offer input. They just want to be part of the process, and she thinks that is fair. She thinks everybody wants the ADA Park. Nobody is arguing about the Park. All they want is the same opportunity afforded to the people of Flamingo Park. She asked why Allison Park would be denied that opportunity.

Mr. Rebar explained that there was an opportunity for input. There were several cases where it was stated that the residents were fine with the playground.

Discussion held.

Commissioner Malakoff added that in September it was all clear; they met with people from Allison Park, and at that time, they were very adamant against the fitness center being located in Allison Park. They agreed with the playground and with the beach access; however, they did not want a building in

the Park. The building component is something they are not addressing at this time. They are discussing a playground that has been 90% designed; which started in 2014. Prior City Commission had input and that was when the musical component for blind children was removed, and something else was put in instead, where the children can feel and smell and sense other things. She thinks it is necessary to have an adaptable playground for all children, not just for children with a handicap or different needs, but it is for all children. This was approved.

Commissioner Rosen Gonzalez stated that nobody is arguing that they do not want a Park. They do want the ADA Park and all the facilities. They just want the opportunity now to play an active role in how it is designed.

Mr. Rebar answered that he could only guarantee that the public process took place.

Commissioner Arriola asked if Mr. Rebar had gone through the same process with Allison Park that he does when going through every neighborhood Park as far as public input.

Mr. Rebar stated that Allison Park was somewhat different, because it catapulted into the Wellness Center. However, in fact, it was more vetted, because they were speaking about it at meetings, internally at CIP, a great deal of e-mail communications and it more of a process.

Commissioner Arriola recalls that every time this issue came up with the Allison Park folks, they said that they were not agreeable with the Wellness Center, but they are okay with the playground. He heard that over and over again all of the months. Therefore, he was really surprised to hear now there is an issue with the playground. As far as a public input, there have been many opportunities to make comments about the playground. Now all of a sudden that they successfully kyboshed the Wellness Center, now they want to attack the playground, and he does not have a good feeling.

Commissioner Alemán clarified that during the lunch break she sat with the group and encouraged them to come up during the Sutnick Hour and give their feedback and be specific and share their ideas. This was an opportunity.

Vice-Mayor Steinberg will allow three speakers to come up.

Gerhardt Zimmerman clarified their position; they support the playground, they support the ADA-approved playground. They are not in support of a playground that covers 50% of a small park. They did not change their minds at all. They assumed that after the fitness center was gone, the playground was always attached. The picnic tables were part of the café of the Wellness Center. When the Wellness Center was gone, they assumed there would be a normal size ADA-approved playground. The concerns are the footprint of the playground, the artificial ground cover, the ADA fitness equipment, which has no instructors, and foremost, the eight picnic tables, which will just invite homeless people, vagrants and they have enough of those problems. They believe it should be properly vetted through the NCAC. He is positive that they will find a solution during the process. He met a great deal of neighbors and they are all in agreement on this; the Park is named after James A. Allison, who was an advocate of keeping precious green space and the Park was acquired by the City of Miami Beach in 1938 as a Park. They are again in support of the playground, but scaled to fit in the smallest Park.

Enrique Nurietta goes to the Park often and has watched it change for 19 years. He clarified that they are all in favor of an adaptive playground. What they do not want is a behemoth in a tiny Park. He met with the City Manager, John Rebar and Tom Richardson in December 2015, and at that time, they had no idea what was going on with the Park. Mr. Richardson has been trying to reach all sorts of groups in Miami Beach to get the plans, and it was not until January 25 that they realized what they had planned, and it is brutally excessive.

Michael Solomon stated that this group was never incorporated or officials, and they never had any meetings. They are a group of concerned citizens. He stressed that the major concern was removing the building that would decimate the entire Park. Any playground was secondary to this, and everybody's efforts had to be concentrated on one item that almost went through. Therefore, this is also a big concern, but of course, it is not as big a concern as getting rid of this huge building in the center of the Park. He added that the Park was designed with the Wellness Center in mind. The architect was employed, the first meeting on March 12, 2015, the first meeting he had was April 23, 2015 with Sabrina Cohen to find out what the design was. On July 8, she applied for the lease. On July 27, the conceptual plan came out. If the architect did not consider the Wellness Center, then he would have committed malpractice. They asked the conceptual plan and finally got it on February 10, which included paving 50% of the Park.

Bob Murano explained that the group spoke before the neighborhood committee. At that time, they postponed any further decision and referred it back to not only the City Departments, but also invited members of the community, to speak to the City staff so that collectively they can come to some resolution in terms of some suggestions that they had regarding making this a much better Park. He is asking the City Commission simply to refer it back to the NCAC to have a representative of the group discuss this with City staff. They asked the chance to meet with the City.

Michael Llorente, Esq., representing the Sabrina Cohen Foundation, made a point regarding public input; this has been a transparent process, it has been in the public arena and the idea that there has not been an opportunity for dialogue is untrue. They heard support for the playground but not for the Wellness Center. Today they have a discussion about redesigning the playground that is already 90% designed. They are here to say that they should not be sent back to square one.

Commissioner Alemán agreed with Commissioner Arriola that the opposition was against the Wellness Center. She has received e-mails about not naming the Park after Sabrina, and personally she would love to honor the years of work she put into this to have an accessible access Park for children. The plans for the playground have been available for public review since September. If they want to eliminate the picnic tables, they can discuss that.

Commissioner Rosen Gonzalez is not opposed to name the Park after Sabrina Cohen, but she asked for the group to be heard, it is their Park, and they need to give their input.

Commissioner Rosen Gonzalez made a motion to refer the Allison Park to NCAC to have residents weigh in on the discussion. No second offered. Motion failed.

Discussion continued.

Vice-Mayor Steinberg stated that the next public hearing on the item is during the Historic Preservation Board meeting. Thomas Mooney, Planning Department Director, stated they had a meeting this past week on the Allison Park Item, and the discussion will continue to the April meeting. HPB will take public input at that time. **Thomas Mooney to handle.**

NEW ITEM

4:33:12 p.m.

Vice-Mayor Steinberg requested adding a discussion item at the next Commission Meeting, April 13, 2016, to have ADA accessible playground components in all City Parks. **Lilia Cardillo to place on the April 13, 2016 agenda. John Rebar to handle.**

5:05:50 p.m.

R9P Discussion And Referral To The Finance And Citywide Projects Committee Regarding The Use Of Community Development Block Grant (CDBG) Funds As Rent Subsidy For Tenants Of The Allen Apartments.

(Sponsored by Commissioner Kristen Rosen Gonzalez)

ACTION: Discussion held. Item referred to FCWPC. Motion made by Commissioner Rosen Gonzalez; seconded by Commissioner Arriola; Voice vote: 4-2; Opposed: Commissioners Grieco and Malakoff; Absent: Mayor Levine. **Allison Williams to place on the Committee agenda. Maria Ruiz to handle.**

Direction:

Discussion should focus on Citywide solutions, not just for residents of the Allen.

Commissioner Rosen Gonzalez stated that the people from The Allen Apartments signed a petition and she wanted to find funding to help the dire situation of seniors in need. She asked to refer the item to Finance and Citywide Projects Committee to find funding or at possibly waive water and sewer fees to alleviate the situation for at least three months.

Commissioner Arriola is happy to discuss at Committee, but they need to be cautious about setting a precedent.

Discussion held.

Maria Ruiz, Housing Director, answered Commissioner Rosen Gonzalez that at this time there is no definite date as to the when the building will change hands, as there are considerable issues; there is a half-billion dollar loan with the County surtax. There is a \$750,000 that is owed to the State and there is a private mortgage additionally, which is about a quarter of a million dollars; this is a considerable amount of money to obtain in order to acquire the building.

Commissioner Rosen Gonzalez added that the City did take over two of the other buildings that have an extremely high property valuation, right in front of the Convention Center. MBCDC just handed the title over to the City. She thinks in some level they should at least in the interim pay for The Allen.

Discussion held.

Ms. Ruiz explained that for those two buildings the City took over, which were referred to by Commissioner Rosen Gonzalez, the City did pay closing costs, which were considerable.

Motion made by Commissioner Rosen Gonzalez, seconded by Commissioner Arriola. Voice vote taken.

Commissioner Malakoff stated that the reason she is voting nay is Commissioner Arriola mentioned that once you make this type of a payment to the people in one building, everybody who is in a rental building of senior housing for the City would want the same type of assistance. They cannot just single out residents in one building. If the City is going to help them, then the City has to help everybody. There are many people in the City who are suffering and not able to pay their rent.

Discussion held.

Commissioner Grieco also expressed his opposition.

Commissioner Arriola agrees with Commissioner Malakoff but he is willing to discuss. As a policy item, he is not inclined to approve.

Commissioner Malakoff added that renters can get one month emergency as assistance from the City, only if they have an emergency, such as if they cannot walk, move, have money or get to the bank, and as long as they can show that the following month they can pay rent, the City can help them for one month. That can be done; however, they have to show that they are able to pay their rent.

Commissioner Rosen Gonzalez explained that this is an isolated case, and she thinks there is a crisis at The Allen. What she sees coming in is RFPs for hotels on Washington Avenue that have no senior housing included. If it is not going to happen, they can kill it, but she is going to try to fight for it. The residents signed a petition and it was distributed to the City Commission.

Discussion continued.

Commissioner Alemán is also a member of the Finance Committee, and it is not that she is unwilling to talk about it, but it is somewhat futile. She wants to help the seniors too, and is very sympathetic to them; however, she thinks they need more affordable housing and more senior housing. She is open-minded to think about creative ways to help everyone. However, when they should look for mechanisms that everyone could take advantage of. She will allow further discussion to see if there is some other equitable thing that would benefit, not just this building, but maybe evaluate the one-month emergency. This needs further development.

R10 - City Attorney Reports

R10A City Attorney's Status Report.

(Office of the City Attorney)

ACTION: Status report given.

Reports and Informational Items

1. Reports and Informational Items (see LTC 087-2016)
2. List of Projects Covered by the Cone of Silence Ordinance - LTC.
(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 3: LTC 097-2016

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

End of Regular Agenda

Meeting adjourned at 5:17:13 p.m.