

MIAMI BEACH

**City Commission Meeting
City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive
January 13, 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 8:34:40 a.m., by Mayor Levine. He announced that, in his absence, Vice-Mayor Alemán will be passed the gavel.

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

Pledge of Allegiance lead by Police Chief Daniel Oates.

Mayor Levine stated that about a year ago the City Commission decided to add items to the Commission Agenda with at least a minimum of one week in advance, to give the public the opportunity to scrutinize and understand the issue, with the exception of emergency items. Mayor Levine reminded his colleagues to meet this timeline.

ADDENDUM MATERIAL 1:

C7I R9U

ADDENDUM MATERIAL 2:

C4H C4I C7J

R7R R9V

ADDENDUM MATERIAL 3:

R9W

SUPPLEMENTAL MATERIAL 1:

R5N Memorandum & Ordinance

R5S Memorandum & Ordinance

R9T Memorandum

SUPPLEMENTAL MATERIAL 2:

R5G Revised Memorandum & Resolution

SUPPLEMENTAL MATERIAL 3:

C4G Additional Information

R7A Memorandum & Resolution

R7B Revised Memorandum & Resolution

R7Q Title Change

R9D Memorandum & Final Report

SUPPLEMENTAL MATERIAL 4:

R5E Ordinance

R9G Additional Information

R9R Revised Memorandum

R9T Additional Information

SUPPLEMENTAL MATERIAL 5:

R7D Additional Information

9:19:39 a.m.

Rafael E. Granado, City Clerk, noted that Commissioner Arriola and Vice-Mayor Alemán would be listed as co-sponsors on item C4H. He read the following into the record:

ITEMS SEPARATED:

C7J by Commissioner Arriola

C4A and C4F by Commissioner Rosen Gonzalez

C4B and C7C by Commissioner Grieco

C4A by Commissioner Malakoff

C4F, C4H and C7G by Commissioner Steinberg

ITEMS DEFERRED:

R7G to February 10, 2016

ITEMS WITHDRAWN:

R9M and R9T withdrawn by Commissioner Rosen Gonzalez

R7Q by Commissioner

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 C4H, C4I, C7I and C7J 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.

ADDENDUM

9:19:06 a.m.

Motion made to add Items R9U, R9V and R9W to the Commission Agenda by acclamation.

CONSENT

9:19:42 a.m.

ACTION: Motion made by Commissioner Malakoff; seconded by Commissioner Grieco to approve the Consent Agenda except separated items; Voice vote: 7-0.

CONSENT AGENDA

C2 - Competitive Bid Reports

C2A Request For Approval To Award Contracts Pursuant To Invitation To Bid (ITB) No. 2015-093-MC Moving Services.

(Procurement/Property Management)

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

C2B Request For Approval To Issue A Request For Proposals (RFP) No. 2016-034-AK For Fire And Police False Alarm Billing System.

(Procurement/Fire/Police)

ACTION: Request approved. **Alex Denis, Virgilio Fernandez and Police Chief Oates to handle.**

- C2C Request For Approval To Issue A Request For Proposals (RFP) No. 2016-036-KB For Design/Build Services For Police Station Building Firing Range Ventilation System Replacement Project.
(Procurement/Capital Improvement Projects)

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

C4 - Commission Committee Assignments

9:21:58 a.m.

- C4A Referral To The Neighborhood/Community Affairs Committee To Discuss Proposed Site Options For New Fire Station No. 1.
(Capital Improvement Projects)

ACTION: Item referred. Item separated by Commissioners Malakoff and Rosen Gonzalez. Motion made by Commissioner Grieco to refer to the Neighborhood/Community Affairs Committee and then to the Finance and Citywide Projects Committee; seconded by Commissioner Malakoff; Voice vote: 7-0. **Daphne Saba and Allison Williams to place on the Committee agendas. David Martinez and Fire Chief Fernandez to handle.**

REFERRALS:

Neighborhood/Community Affairs Committee first & then to the Finance and Citywide Projects Committee.

Commissioner Malakoff stated that she believes this item should be referred to the Finance and Citywide Projects Committee, as well as the Neighborhood/Community Affairs Committee, because this could implicate possible loss of parking spaces and additional building expenses.

Commissioner Rosen Gonzalez suggested referring the item to the Historic Preservation Board. The Fire Station was designed by famous architects Morris Lapidus and Norman Giller, and the building should perhaps be turned into a community center.

David Martinez, CIP Director, stated that the building was not declared historic. There was a formal assessment report that deemed the money spent on bringing the building to operational form would not pay off over time due to its decay and age.

Fire Chief Fernandez stated that Fire Station No. 1 is in disrepair. \$800,000 were allocated to paint the station and change tiles, but further repairs would not be worth the effort, because the station can no longer accommodate for today's standards of fire trucks. He did agree that the City should determine whether the building has any historical value.

Discussion continued.

City Manager Morales stated that this item is in the early stages of discussion and recommended referral to the NCAC so that discussion could begin.

Discussion held regarding referrals.

Commissioner Malakoff agreed to refer the item to NCAC and then to FCWP.

09:27:47 a.m.

C4B Referral To The Finance And Citywide Projects Committee - Discussion Regarding Nonpayment Of Stormwater Fees By Miami Dade County Public Schools.
(Public Works)

ACTION: Item referred. Item separated by Commissioner Grieco. Motion made by Commissioner Grieco to refer the item to committee with direction to determine the best way to collect the money owed by Miami-Dade School District; however, the direction is to pursue the collection of the money owed; seconded by Vice-Mayor Alemán; Voice vote: 6-0; Absent Commissioner Malakoff. **Allison Williams to place on the Committee agenda. Office of the City Attorney and Eric Carpenter to handle.**

Commissioner Grieco stated that Miami-Dade School District has not been paying the City's stormwater fees, yet they are still enjoying the benefits the City provides.

Eric Carpenter, Assistant City Manager/Public Works Director, stated that the public school owes the City just short of a million dollars. They are open to suggestions, and he believes the City should have at least a discussion on how to handle. He added that all governmental agencies have been paying the fee.

Mayor Levine stated that staff is looking for policy direction. He reminded the City Commission that Miami Beach contributes a great deal to the School system, and the City should be paid what it is owed.

Vice-Mayor Alemán stated this community has been doing its part with the School system, and is in fact very generous. She highlighted that the PTA of North Beach Elementary contributed \$250,000 for the district track and field and basketball court.

Commissioner Grieco suggested moving the referral, with the direction to determine the best way to collect the money owed by the Miami-Dade School District. However, the direction is to pursue the collection of the money owed.

C4C Referral To The Finance And Citywide Projects Committee - Discuss Seeking Citywide WiFi Solutions And CMB Becoming Its Own Internet Service Provider.
(Sponsored by Commissioner Michael Grieco)

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

C4D Referral To The Sustainability & Resiliency Committee - Discuss Implementing Citywide Textile And Electronics Recycling.
(Sponsored by Vice-Mayor John Elizabeth Alemán)

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

- C4E Referral To The Land Use And Development Committee - Discussion Regarding The City Of Miami Beach's Building Permit Application Process.
(Sponsored by Commissioner Ricky Arriola)

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

9:31:37 a.m.

- C4F Referral To The Land Use And Development Committee - Discuss Ordinance Amending Height And Setbacks For Mixed-Use Development In The Sunset Harbour Neighborhood.
(Sponsored by Commissioner Joy Malakoff)

ACTION: Item referred. Item separated by Commissioners Rosen Gonzalez and Steinberg. Motion made by Commissioner Malakoff; seconded by Commissioner Arriola; Voice vote: 7-0. **Thomas Mooney to place on the Committee agenda and to handle.**

Commissioner Steinberg explained that she wants this item to be discussed at Committee, but she and many residents have concerns regarding this item.

Mayor Levine suggested having the item discussed first at Land Use & Development Committee.

Commissioner Rosen Gonzalez stated that the item is not clear, and residents are asking for clarification.

Graham Penn, representing Deco Capital, explained the item, which he stated is still in draft form. The Ordinance would allow additional height and setback reliefs for mixed-use projects that front on Purdy Avenue, with 200-feet of linear frontage. They could go to 90-feet. There is also an additional height of 60-feet for properties that are CD-2 properties on Dade Boulevard.

SUPPLEMENTAL MATERIAL 3: Additional Information

- C4G Referral To The Neighborhood/Community Affairs Committee - Discuss LTC 001-2016 From The LGBT Advisory Committee Regarding Implementing A Rainbow Crosswalk At The Intersection Of Ocean Drive And 12th Street On Miami Beach.
(Sponsored by Vice-Mayor John Elizabeth Alemán)

ACTION: Item referred. **Daphne Saba to place on the Committee agenda. Eric Carpenter to handle.**

09:35:12 a.m.

ADDENDUM MATERIAL 2:

C4H Referral To The Land Use And Development Committee - Discussion Regarding Short Term Rentals In North Beach.

(Sponsored by Commissioner Michael Grieco)

ACTION: Item referred. Item separated by Commissioner Steinberg. Motion made by Commissioner Grieco; seconded by Commissioner Arriola; Voice vote: 7-0. **Thomas Mooney to place on the Committee agenda and to handle.**

Commissioner Steinberg explained that this item is being referred to committee, and residents who would like to have their opinion heard can do so at the Committee meeting. She has spoken to many residents who would like to see Miami Beach become less transient.

ADDENDUM MATERIAL 2:

C4I Referral To The Land Use And Development Committee – Discussion Regarding The Impact Of A Partial Modification Of Ordinance 2014-3876, As It Relates To A FAR (Floor Area Ratio) Interpretation.

(Sponsored by Commissioner Joy Malakoff)

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

C6 - Commission Committee Reports

C6A Report Of The December 18, 2015 Neighborhood/Community Affairs Committee Meeting: **1.** Discussion Regarding The Possible Appointment Of A Dedicated Liaison To The 41st Street Corridor. **2.** Discussion Regarding Revisions To The Beachfront Concession Rules And Regulations. **3.** Discussion Regarding A Competition Swimming Pool. **4.** A Discussion Regarding The Convention Center Park, And Veteran’s Plaza. **5.** Discussion Regarding Multi-Use Asphalt Skate/Bike Pump Track In North Beach. **6.** A Discussion Relating To A Ninety-Nine (99) Year Ground Lease Agreement Between The City And The Sabrina Cohen Wellness Center Project, Inc. For Approximately 5,100 Square Feet Of City-Owned Land At Allison Park For The Proposed Wellness Center And The Ballot Question Related Thereto. **7.** Discussion Regarding An Innovative Bicycle Parking System. **8.** Discussion Regarding The Proposed South Beach Trolley Route And Service Plan. **9.** Discussion Regarding The Proposed Traffic Flow Modification For 42nd Street, Between Prairie Avenue And Pine Tree Drive. **10.** Discussion And Update Regarding Efforts Thus Far And The Proposal To Conduct A Traffic Calming Study In The Nautilus Area. **11.** Discussion Regarding Citywide Street Light And Coverage Audit. **12.** Monthly Crime Statistics Report.

ACTION:

1. Possible Appointment Of A Dedicated Liaison To The 41st Street Corridor.

NO ACTION TAKEN

2. Revisions To The Beachfront Concession Rules And Regulations.

DIRECTION: Come back to the next NCAC meeting.

3. Discussion Regarding A Competition Swimming Pool.

DIRECTION: Deferred to the next NCAC meeting.

4. Convention Center Park And Veteran's Plaza.
DIRECTION: Deferred until this item is ready.
5. Discussion Regarding Multi-Use Asphalt Skate/Bike Pump Track In North Beach.
DIRECTION: Deferred until the completion of the North Beach Master Plan.
6. 99-Year Ground Lease Agreement Between City & The Sabrina Cohen Wellness Center.
DIRECTION: Commissioner Steinberg moved for the item to come back to the February NCAC meeting so that there is an adequate amount of time to come back with viable options for alternative locations. Unanimous approval.
7. Discussion Regarding An Innovative Bicycle Parking System.
DIRECTION: Come back to the next NCAC meeting.
8. Discussion Regarding The Proposed South Beach Trolley Route And Service Plan.
MOTION: By Commissioner Steinberg to move The Proposed South Beach Trolley Route and Service Plan to commission with favorable recommendation, including less frequent service to Belle Isle. Unanimous Approval.
9. Proposed Traffic Flow Modification 42nd Street, Between Prairie Avenue & Pine Tree Drive.
DIRECTION: Deferred to the next NCAC meeting.
10. Proposals To Conduct A Traffic Calming Study In The Nautilus Area.
DIRECTION: Commissioner Grieco moved item to January NCAC meeting.
11. Discussion Regarding Citywide Street Light And Coverage Audit.
DIRECTION: Develop a policy regarding lighting standards and rules for prioritization. Identify funding options, including grants. Bring back on a monthly basis to provide status reports after outreach to community.
12. Monthly Crime Statistics Report.
NO ACTION TAKEN

C7 - Resolutions

C7A A Resolution Approving And Authorizing The City Manager, Or His Designee, To Apply For, Accept, And Appropriate Funding (Including Matching Funds And Any Related City Expenses), And Execute Any And All Documents Or Agreements In Connection With Grants And Funding Requests From The Following Sources: 1) Miami-Dade Metropolitan Planning Organization (MPO), Municipal Grant Program In The Approximate Amount Of \$50,000; 2) Miami-Dade MPO, Call For Ideas Program In The Approximate Amount Of \$150,000; 3) US Department Of Homeland Security, Assistance To Firefighters Grant Program In The Approximate Amount Of \$200,000; 4) Branches Inc., For Vita Program Funding In The Approximate Amount Of \$5,000; 5) Us Department Of Homeland Security Emergency Food And Shelter Grant Program For Funding In The Approximate Amount Of \$40,000; 6) Miami-Dade County Homeless Trust For Funding For Fiscal Year (FY) 2015/16 Funds In The Approximate Amount Of \$25,000 For The City's Hotel/Motel Placement And HMIS Staffing; 7) Miami-Dade County Homeless Trust For Fiscal Year (FY) 2015/16 Funding In The Approximate Amount Of \$25,000 For Identification Assistance Through The City's Homeless Outreach Program; 8) Miami-Dade County For FY 2015/16 Edward Byrne Memorial Justice Assistance Grant Program Funds In The Approximate Amount Of \$10,000.

(Budget & Performance Improvement)

ACTION: Resolution 2016-29248 adopted. John Woodruff to appropriate the funds if approved and accepted. **Judy Hoanshelt to handle.**

C7B A Resolution Approving, In Substantial Form, The Attached Amendment No. 2 To The Plan Management Agreement Between The City And Humana Insurance Company ("Humana"), Having An Effective Date Of January 1, 2009, For The Administration Of The City's Group Health (Medical) Plan And Employee Assistance Program; Said Amendment Clarifying Certain Claims Processing Provisions Contained In The Agreement, As Set Forth Therein, Subject To Final Negotiation Between Humana And The City Administration, And Review And Form Approval By The Office Of The City Attorney; And Further Authorizing The Mayor And City Clerk To Execute The Final Negotiated Amendment.

(Human Resources)

ACTION: Resolution 2016-29249 adopted. Sylvia Crespo-Tabak to handle.

09:53:14 a.m.

C7C A Resolution Accepting Donation: Miami Beach Kids First Full Sponsor Of CMB Autism Surf Camp (Miami Beach Kids First Will Be Covering All Costs Incurred By CMB Parks To Run Its Annual Autism Surf Camp, Including Sponsoring All Participants' Fees).

(Sponsored by Commissioner Michael Grieco)

ACTION: Resolution 2016-29250 adopted. Item separated by Commissioner Grieco. Motion made by Commissioner Grieco, seconded by Vice-Mayor Alemán; Voice vote: 7-0. **John Rebar to handle.**

Commissioner Grieco explained that the Autism Surf Camp is a weeklong event during Spring Break that is intended for children seven years old and up to learn how to surf. He asked the City Commission to accept the contributions made by himself and the University of Miami Center for Autism & Related Disabilities, which are just over \$12,000, and will cover all the costs of the Surf Camp.

Michael Alessandri, from the University of Miami Autism & Related Disabilities, stated that the Autism Surf Camp is the first of its kind in this country. It is a transformational experience for children. He thanked the City Commission for its support, and stated that the University of Miami matched the donation made by Commissioner Grieco.

Mayor Levine addressed Commissioner Grieco and stated that there are some cruise lines that offer training for parents of children with autism, and it could be a great opportunity for these children.

C7D Approve Various Sole Source Purchases For Sewer Pumps Stations Citywide And City's Streets And Walkways.

1. A Resolution Authorizing, As A Sole Source Purchase, The Purchase Of Rockwell Automation Equipment, Parts, Software, Service And Related Items, Pursuant To Section 2-367(d) Of The Miami Beach City Code, For The City's Pump Stations, From Rexel, The Exclusive Agent For Rockwell Automation Equipment, Parts, Software, Service And Related Items In The City's Geographic Region.
(Procurement/Public Works/ Budget & Performance Improvement)

ACTION: Resolution 2016-29251 adopted. Alex Denis, Eric Carpenter and John Woodruff to handle.

2. A Resolution Authorizing, As A Sole Source Purchase, The Purchase Of JWC Environmental Equipment, Parts, Service And Related Items, Pursuant To Section 2-367(d) Of The Miami Beach City Code, For The City's Pump Stations, From JWC Environmental, The Sole Source For Muffin Monster, Auger Monster, Screenings Washer Monster, Honey Monster And Monster Separation System, Equipment, Parts, Service And Related Items.
(Procurement/Public Works)

ACTION: Resolution 2016-29252 adopted. Alex Denis and Eric Carpenter to handle.

3. A Resolution Authorizing, As A Sole Source Purchase, The Purchase Of Pentair Equipment, Parts, Service And Related Items (Including Aurora Water Seal Pumps), Pursuant To Section 2-367(d) Of The Miami Beach City Code, For The City's Pump Stations, From Barney's Pumps, Inc., The Exclusive Agent For, Pentair Equipment, Parts, Service And Related Items In The City's Geographic Region.
(Procurement/Public Works)

ACTION: Resolution 2016-29253 adopted. Alex Denis and Eric Carpenter to handle.

4. A Resolution Authorizing, As A Sole Source Purchase, The Purchase Of Flowserve Equipment, Parts, Service And Related Items, Pursuant To Section 2-367(d) Of The Miami Beach City Code, For The City's Pump Stations, From Carter Verplanck, Inc., The Exclusive Agent For Flowserve Equipment, Parts, Service And Related Items In The City's Geographic Region.
(Procurement/Public Works)

ACTION: Resolution 2016-29254 adopted. Alex Denis and Eric Carpenter to handle.

5. A Resolution Authorizing, As A Sole Source Purchase, The Purchase Of Dezurik (Dezurik, Apco, And Hilton Brands) Equipment, Parts, Service And Related Items, Pursuant To Section 2-367(d) Of The Miami Beach City Code, For The City's Pump Stations, From Fluid Control Specialties, Inc., The Exclusive Agent For Dezurik, Apco, And Hilton Equipment, Parts, Service And Related Items In The City's Geographic Region.
(Procurement/Public Works)

ACTION: Resolution 2016-29255 adopted. Alex Denis and Eric Carpenter to handle.

- C7E A Resolution Ratifying The Agreement Approved By The City Manager With OpenGov, Inc., For The City's Interactive Transparency Portal, For A Term Of Five (5) Years, At A Total Cost Of \$124,875.
(Procurement & Budget & Performance Improvement)

ACTION: Resolution 2016-29256 adopted. Alex Denis and John Woodruff to handle.

- C7F A Resolution Approving The Donation Of Surplus Meeting Room Chairs, Lecterns, Easels, And Tables From The Miami Beach Convention Center To Miami Beach Senior High School And Myrtle Grove Presbyterian Church.
(Tourism, Culture & Economic Development)

ACTION: Resolution 2016-29257 adopted. Max Sklar to handle.

09:36:23 a.m.

- C7G A Resolution To Consider Waving Fees In The Amount Of \$1,730.00 For The Human Rights Committee Event In Observance Of National Human Trafficking Awareness Month At The Colony Theatre.
(Sponsored by Commissioner Micky Steinberg)

ACTION: Resolution 2016-29258 adopted. Item separated by Commissioner Steinberg at the request of the Miami Beach Human Rights Committee (MBHRC) members. Motion made by Commissioner Steinberg to waive building rental fee and accept a personal donation of \$787.71 from Mayor Levine to pay for labor costs; seconded by Vice-Mayor Alemán; Voice vote: 7-0. **Max Sklar to handle.**

Alan Fishman, Esq., Chair of the Miami Beach Human Rights Committee introduced the item. He explained that Committee members have been working to put on two events in observance of Human Trafficking Awareness Month. The first will be at Miami Beach High School, and the second will be directed at adults held at The Colony Theater. The problem is that the Committee does not have a budget, and are in a situation where they will need funds to put on an event for the first time. The event at the high school will not cost the City any money, but the second event has an unexpected additional labor cost of \$787.71, which they are not able to pay. He is respectfully requesting an additional \$787.71 to cover costs.

Commissioner Steinberg stated that the City Commission could provide for the building rental fee waiver, but not for the additional \$787.71, as they do not want to set a precedent.

Discussion held regarding The Colony's event payment deadline.

Commissioner Malakoff asked if the City Commission could provide \$2,575.71 to cover all costs needed for the events.

Commissioner Grieco stated that originally, this item was only asking to waive fees, but now the Committee is asking for money. He stated for the record, that this seems to happen frequently. He does support the MBHRC's efforts, but he brought attention to the fact that the City deals with tax dollars that have been budgeted. The money has to come from somewhere, even if it is a few thousand dollars.

Commissioner Steinberg clarified that the City Commission can only sponsor the waiver of fees. She understands the City's role, and does not want to make this a precedent, but at the same time, she understands their predicament.

Mr. Fishman stated that they found out about the additional labor cost too late in the project. They have tried private funding for the money, but they were unsuccessful in obtaining funds.

Mayor Levine stated that the building rental fees will be waived, and that he will make a personal contribution of \$787.71.

City Manager Morales stated that the labor costs were documented right from the beginning, and he does not see why it was such a surprise to the Committee.

- C7H A Resolution To Consider Waiving The Building Rental Fee At The Colony Theater For 5 Nights Totaling \$3,250.00 For The Golem Of Havana Production.
(Sponsored by Commissioner Micky Steinberg)

ACTION: Resolution 2016-29259 adopted. Max Sklar to handle.

ADDENDUM MATERIAL 1:

- C7I A Resolution To Consider Waiving The Special Event Fees In The Amount Of \$1,100 For The 2016 Artscape Concert Series At Collins Park.
(Sponsored by Commissioner Ricky Arriola)

ACTION: Resolution 2016-29260 adopted. Max Sklar to handle.

09.43:20 a.m.

ADDENDUM MATERIAL 2:

C7J A Resolution To Consider Waiving The Special Event Fees, In The Amount Of \$6,238.50, And The Collins Park User Fee (Cost TBD), For The Miami City Ballet's 30th Anniversary Gala.
(Sponsored by Commissioner Ricky Arriola)

ACTION: Resolution 2016-29261 adopted. Item separated by Commissioner Arriola. Motion made by Commissioner Arriola to waive the Special Event fees in the amount of \$6,238.50, and purchase a table at the event for the City this one time; seconded by Commissioner Steinberg; Roll call: 4-3; Opposed: Vice-Mayor Alemán and Commissioners Grieco and Malakoff. **Max Sklar to handle.**

Miami City Ballet Director of Development, Eva Silverstein, stated that this year the Miami City Ballet would be celebrating its 30th anniversary. They are a world-class dance company with deep roots and pride in Miami Beach. They will be holding a gala on the beach between the W and Setai buildings, and are requesting the City to waive the 25 cents footage charge, Collins Park Association, and Parking fees. They are also requesting the City to take a table at the event at a cost of \$10,000, discounted from the original \$50,000 price.

Mayor Levine stated that he has no problem waiving fees, but he has mixed feelings when organizations ask for the City to purchase a table, because he does not believe it is appropriate for the City to do so.

Commissioner Arriola stated that the Miami City Ballet is one of the City's anchors, but suggested that in the future these types of requests be made earlier, rather than hearing it first time at the City Commission Meeting.

Vice-Mayor Alemán expressed her agreement in waiving fees, but does not support purchasing a table.

Commissioner Grieco stated that he will vote no in having the City purchase a table, but he will work with the Miami City Ballet in purchasing a table with money from the private sector.

Discussion held.

Commissioner Arriola asked the City Manager to discuss the budget numbers that came in. He also asked the City Commission to help the Miami City Ballet this one time in waiving the fees and purchasing a table.

Commissioner Rosen Gonzalez agreed with Commissioner Arriola's statements.

City Manager Morales explained the numbers requested by Commissioner Arriola.

Discussion continued.

End of Consent Agenda

REGULAR AGENDA**R5 - Ordinances****10:24:41 a.m.**

R5A Art In Public Places Review Process

An Ordinance Amending The City Code, By Amending Chapter 82, "Public Property," Article VII, "Art In Public Places," Division 4, "Procedures," At Section 82-612, "Selection Of Artists And Works Of Art," In Order To Amend The Procedures For Selecting Artists; Providing For Codification; Repealer; Severability, And An Effective Date. **10:00 a.m. Second Reading Public Hearing**

(Sponsored by Commissioner Joy Malakoff)

(Legislative Tracking: Tourism, Culture & Economic Development)

(First Reading on December 9, 2015 - R5I)

ACTION: Title of the Ordinance read into the record. **Ordinance 2016-3985 adopted.** Public Hearing held. Motion made by Commissioner Malakoff; seconded by Commissioner Grieco; Ballot-vote: 7-0. **Max Sklar to handle.**

Max Sklar, Tourism, Culture & Economic Development Director, introduced the item, which at the request of Commissioner Malakoff, serves to streamline the review and approval process. AiPP projects currently have to go to either DRB or HPB twice; this will make it a one-time review with the ability to present to the City Commission faster.

Mayor Levine announced that the discussion of the Apollo Mural was added to the Commission Agenda (R9W) by Commissioner Rosen Gonzalez.

Mitch Novick explained that he has sent emails to the City Commission regarding the Apollo Mural and urged the City to accept Alan Faena's generous offer for Jack Stewart's priceless glass-mosaic mural, "The Apollo," which stood on the Versailles since the mid-1950s and is one of his biggest works. He hopes they move to direct the Administration to provide protection for the pieces and do that in a staging area where the Convention Center will be built. This piece should be the centerpiece in the renovated Convention Center.

Clerk's Note: See also discussion with item R9W.

Handouts and Reference Materials:

1. Ad 1111 published in The Miami Herald Neighbors Section

10:27:56 a.m.

R5B Traffic Study Requirements

An Ordinance Amending The Land Development Regulations Of The City Code, By Amending Chapter 118, "Administration And Review Procedures," Article VI, "Design Review Procedures," At Section 118-253, By Including Application Requirements For Design Review Board Applications, To Include Threshold Requirements For The Submission Of Traffic Studies, And By Amending Chapter 118, "Administration And Review Procedures," Article X, "Historic Preservation," Division 3, "Issuance Of Certificate Of Appropriateness To Dig/Certificate Of Appropriateness For Demolition," At Section 118-562, By Including Threshold Requirements For The Submission Of Traffic Studies For Historic Preservation Board Applications; Providing For Codification; Repealer; Severability; And An Effective Date. **10:05 a.m. Second Reading Public Hearing**

(Sponsored by Commissioner Micky Steinberg)

(Legislative Tracking: Planning)

(First Reading on December 9, 2015 - R5J)

ACTION: Title of the Ordinance read into the record. **Ordinance 2016-3986 adopted.** Public Hearing held. Motion made by Commissioner Steinberg; seconded by Commissioner Malakoff; Ballot-vote: 7-0. **Thomas Mooney to handle.**

Thomas Mooney, Planning Department Director, introduced the item.

No further discussion held.

Handouts and Reference Materials:

1. Ad 1111 published in The Miami Herald Neighbors Section

10:29:30 a.m.

R5C Single Family Regulations - Lot Coverage, Unit Size, Height, Setbacks, And Courtyards

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, Florida, By Amending Chapter 142, "Zoning Districts And Regulations," Division 2, "RS-1, RS-2, RS-3, RS-4 Single-Family Residential Districts," At Sections 142-105, 142-106, And 142-108, By Modifying, Simplifying, And Clarifying How Lot Coverage, Unit Size, Roof Deck, Height, Setback, And Courtyard Requirements Are Applied In The Single Family Residential Districts; Eliminating Certain Design Review Waivers For Second Floor Volume And Side Elevation Requirements; Providing Codification; Repealer; Severability; And An Effective Date. **10:10 a.m. Second Reading Public Hearing**

(Sponsored by Commissioner Joy Malakoff)

(Legislative Tracking: Planning)

(First Reading on December 9, 2015 - R5K)

ACTION: Title of the Ordinance read into the record. **Ordinance 2016-3987 adopted as amended.** Public Hearing held. Commissioner Malakoff made a motion to adopt the setbacks portion, which is in the Planning Board version of the Ordinance, and the portion about reducing lot size and lot coverage will not come in front of the City Commission for at least six months, seconded by Vice-Mayor Alemán. Ballot-vote: 7-0. **Thomas Mooney to handle.**

Amendment:

- Adopt the Planning Board version of the Ordinance
- Include setbacks
- Reduce lot size and lot coverage

Mayor Levine explained the process to follow when speaking, and suggested that those individuals speaking in opposition of the item and those in favor form separate lines and keep their comments short. If speakers spoke on this item during Sutnick Hour, he asked that they do not speak at this time.

Thomas Mooney, Planning Department Director, introduced the item and explained that changes have been incorporated into the Ordinance, including a proposed reduction in lot coverage being exempted from single-family home lots that are less than 6,000 square feet. There was a slight change to the roof overhang requirement going from three (3) to six (6) feet, and the exemption section was revised between first and second reading. The Administration's recommendation remains the same. The Planning Board version includes the setback portion of the Ordinance only, and does not contain any provisions to reduction unit size or lot coverage.

The following individuals spoke in favor of the proposed Ordinance:

Francinelee Hand
Laurie Bacalm
Nancy Liebman
Michael Reins
Daniel Ciraldo

The following individuals spoke in opposition of the proposed Ordinance:

Jeff Bercow
Jürgen Brendel
Pierre De Agostini, on behalf of Palm Hibiscus Star Islands Association
Jerry Libbin
Mark Gold, Esq.
Julian Vidal
Rick Kendle

Commissioner Malakoff explained that as the sponsor of this Ordinance, the item has been discussed at Committee and feedback from residents has been received. At Sea Level Rise Panel meetings, reference has been made that in the future, homes are going to be built higher. At LUDC, they feel strongly that setbacks are urgent. The reason for the front 30-foot setback, of which 50% must be green space, is to have a more gradual hill going up to the homes rather than steep one that goes to the neighbors. Many 6,000 square feet or less are not included in changes; however, lots greater than 6,000 square feet will have ten (10) feet setbacks between homes, for more privacy, compatibility and green space. It is urgent that the City passes the setbacks. They need to take into account that higher homes will be more visible to the neighbors that are still lower. Many of the existing homes will have to be raised in the future, but the historic homes and those with distinctive styles that they want to preserve and protect; so as new homes are built they will be built with setbacks and pervious space. This item has been discussed since last summer, it has travelled through committees, discussed at City Commission and televised, and additionally a courtesy notice was mailed to all single-family homeowners. It was thought out, publicized and advertised in the newspapers appropriately.

Commissioner Rosen Gonzalez stated that many buildings owners respect their architecture and history, and want to maintain their integrity and value. This weekend they are honoring Barbara Capitman and added that this is about understanding preservation, and maintaining who we are. There are two homes on her block that are on the chopping block. She explained that there are many homes that are being demolished, and this is just sad. They must fight for their history. She is in support of this Ordinance.

Vice-Mayor Alemán listened to many constituents on both sides, and the supporters concern is around preservation, the feeling of losing the charm and character of neighborhoods through demolition; the concern for style, heights, the “boxed” in homes concept and the oversized “McMansions”; she thinks the misunderstanding about the changes in the community is that this is not a preservation Ordinance; it does not contemplate architectural standards around Art Deco or Mediterranean styles. Height is indirectly addressed due to the setbacks, as they do allow neighbors to have access to air. Pure height is a new point because of sea level rise, and since FEMA will raise the flood elevation, all homeowners will be faced with the decision to elevate or redevelop their properties. Single-family property owners needs have changed, and as a community, they need to recognize that many homes will be demolished because of Mother Nature, and the need to respond to sea level rise. As to preservation, they need to identify the crown jewels of architecture that identify the City’s glorious past, and they need to figure out how to carry those into the future. She thinks it is a shame that there are some in the community that can talk about the struggles they faced today without accusing them of corruption, and she is disappointed when trying to have a dialogue and people resort to character assassination; she thinks this is wrong. Good policymaking requires listening to as many prospective and facts as possible, and they should demand constructive dialogue. Property values are rising and so are the water levels. With respect to the Ordinance itself, she can support the setbacks, but as far as size change, she is not in favor of it.

Commissioner Arriola stated that it is not a 5% reduction, it is a 10% reduction; he is cognizant of the fact that for many individuals, their home is their nest egg, and he is concerned on the financial impact of residents; there are a great deal of people for whom this will have negative financial impact and he will be cautious to do this. He is for historic preservation and is against McMansions. Two years ago, the Commission passed severe reduction in lot coverage and home size, and he suggested giving those regulations more time to see how they work. He suggested going neighborhood by neighborhood in an attempt to preserve the character of the neighborhood, and not allowing property owners to demolish homes and leave unsightly and unsafe lots behind to ruin the fabric of the neighborhood. He hopes the Ocean Terrace and Allison Park folks share in waiting for the recommendations of the North Beach Master Plan to come up. He is in support of setbacks, but will not be in support of the lot coverage and home size today.

Commissioner Steinberg stated that a great deal of work, time and effort has gone into this, and she is in agreement in working together and making a compromise of some sort. She commended Commissioner Malakoff for taking the lead on this Ordinance. They cannot continue to bring this forward year after year; she is not in support the idea of McMansions, but she is in support of an Ordinance to try to limit that.

Commissioner Grieco gave a brief history regarding lot coverage and lot size. In 2006, the first piece of significant legislation was put into place. The City Commission adopted an Ordinance that entitled homeowners to 50% unit size, 30% lot coverage but if approved by the Design Review Board (DRB) that could go up to 70% unit size and 35% lot coverage. Two years ago, the City Commission voted to eliminate that variance, and that is a significant move. Since then, only about 16 homes have been built to substantial completion. He asked Mr. Mooney to show maps representing single-family homes Citywide; those that are smaller than 45% in unit size and those that exceed 50% in unit size. Out of 4,959 single-family homes in the City, 220 are between 45% and 50% unit size. He asked where the homes were built and he learned that in Flamingo Park there are four homes between 45% and 50% unit size; three of them built before 1942. On North Bay Road and Alton Road, of the 17 homes that were built between 45% and 50% unit size, 11 of them were built before 1942. Upper North Bay Boulevard and Alton Road, 12 of the 21 homes that are between 45% and 50% unit size were built before 1942. As government officials, their job is to fix something that is broken, and he felt that two years ago they addressed this. This is not about preserving single-family homes, but about the size of homes. This is about nest eggs and families. The concept of preserving

neighborhoods is important and it is essential to the City. This needs to be looked at neighborhood by neighborhood. Before the 2014 rule has time to work, he thinks they need to give it time.

Commissioner Malakoff stated that she understands the problem of reducing unit size and lot coverage, but it is urgent that they adopt the setbacks today, as it has become important with the sea level rise issue. She hopes they support the Planning Board version of the Ordinance.

Commissioner Rosen Gonzalez listened to Vice-Mayor Alemán and apologized if she offended anyone for being emotional concerning a portion of this Ordinance in trying to save these homes. She suggested spending money to do a survey needed to have the data to understand which homes are worth saving and which homes are not.

Commissioner Grieco stated that there was an issue regarding the subject of Burt Harris Act and he asked for a legal opinion.

Raul J. Aguila, City Attorney, stated that the Office of the City Attorney is looking at potential Burt Harris Acts claims, but also at potential Fifth Amendment claims.

Eve Boutsis, Deputy City Attorney, stated that Florida Statute Chapter 70 deals with the Burt J. Harris Act, and it talks about when land use regulations enacted by a community create an inordinate burden on private property rights. The cases do not get to the substance of the Burt Harris Act, as most of the cases have been settled. She added that this is usually an as applied regulation, which means that it is a challenge to the enactment of the Ordinance, but the application of that Ordinance to a specific property. An appraisal is done at that time on the property to see what the price difference would be, and then there is a determination in Court.

Mayor Levine stated that Commissioner Steinberg suggested that once they vote on this item, whether for or against, the item cannot come back until a certain time passes. He wants to make sure that if they vote on this, the item will not come back for at least six months.

Mr. Aguila stated that the Ordinance regarding not rehearing items over and over was an Ordinance sponsored by Commissioner Grieco. He explained that if they vote on the Ordinance before them regarding the setback, lot coverage and unit size, and it fails; a similar Ordinance addressing those issues cannot come back to the City Commission within six months. (Clerk's Note: See Ordinance: 2015-3964.) He advised that if the City Commission wishes to revisit this later that they vote on the Ordinance in the Agenda packet first as is, and then vote on the Planning Board's version of the Ordinance regarding setbacks.

Discussion held.

Commissioner Malakoff stated that the amendment is included in the Ordinance.

Raul J. Aguila, City Attorney, recommended that the Ordinance be voted as is, to see if it passes or fails, and then the City Commission can make a motion to amend.

Discussion continued regarding the procedure when amending the Ordinance.

Commissioner Malakoff made a motion to adopt the setbacks portion, which is in the Planning Board version of the Ordinance, and the portion about reducing lot size and lot coverage will not come in front of the City Commission for at least six months, seconded by Vice-Mayor Alemán.

Commissioner Grieco asked what the difference is between the Planning Board version and the version that was on the package.

Commissioner Malakoff explained that the Ordinance moved does not include reduction of unit size by 5% and no reduction of lot coverage reduction by 5%.

Mr. Mooney explained the clarification of the height change, which will not be included in the Ordinance adopted.

Discussion continued.

Clerk’s Note: See also public comment during R9B1, Dr. Stanley Sutnick Citizen’s Forum.

Handouts and Reference Materials:

1. Ad 1111 published in The Miami Herald Neighbors Section
2. Letter from Mr. & Mrs. Alan Cohen received January 7, 2016
3. Email sent to Mayor Levine and City Commissioners dated January 7, 2016 RE: Letter from Mr. & Mrs. Cohen.
4. Anonymous letter RE: single Family Development Regulations submitted by the Planning Department.
5. Single Family Zones Pre-1942 Homes maps.
6. Planning Board Version of the Ordinance

1:38:46 p.m.

R5D Electric Vehicle Parking

An Ordinance Amending The Land Development Regulations Of The City Code, By Amending Chapter 130, “Off-Street Parking,” Article II, “Districts; Requirements,” By Creating Section 130-39, Entitled “Electric Vehicle Parking Requirements,” To Provide Minimum Requirements For Electric Vehicle Parking Spaces And Charging Stations; Amending Article III, “Design Standards,” By Creating Section 130-72, Entitled “Electric Vehicle Parking Space Standards,” To Establish Design Standards For Electric Vehicle Parking Spaces; And Amending Article V, “Fee In Lieu Of Parking Program,” Section 130-132, Entitled “Fee Calculation,” To Establish An Additional Fee In Lieu Of Parking For Electric Vehicle Parking Spaces, And Section 130-134, Entitled “Deposit Of Funds; Account,” To Provide That Funds Generated By The Additional Fee In Lieu Of Parking For Electric Vehicle Parking Spaces Shall Be Deposited In The City’s Sustainability And Resiliency Fund; Providing For Codification, Repealer, Severability And An Effective Date. **10:15 a.m. Second Reading Public Hearing**

(Sponsored by Commissioner Micky Steinberg)

(Legislative Tracking: Planning)

(First Reading on December 9, 2015 - R5L)

ACTION: Title of the Ordinance read into the record. **Ordinance 2016-3988 adopted.** Public Hearing held. Motion made by Commissioner Steinberg; seconded by Commissioner Malakoff; Ballot-vote: 7-0. **Thomas Mooney to handle.**

Thomas Mooney, Planning Department Director, introduced the item, which was approved at first reading on December 9, 2015. There was one change made by the City Commission at first reading, which was to increase the fee in lieu of electric vehicle parking from \$2,000 to \$8,000 for each parking space not provided. That text has been modified in the second reading version of the Ordinance, and the Administration is recommending its adoption.

Commissioner Steinberg stated that this is to provide new construction for electric vehicles charging stations.

Handouts and Reference Materials:

- 1. Ad 1111 published in The Miami Herald Neighbors Section

11:38:48 a.m.

SUPPLEMENTAL MATERIAL 4: Ordinance

R5E An Ordinance Granting To Peoples Gas System, A Division Of Tampa Electric Company, Its Successors And Assigns, A Non-Exclusive Natural Gas Franchise Agreement To Use The Public Rights-Of-Way Of The City Of Miami Beach, Florida, And Prescribing The Provisions And Conditions Under Which Said Franchise Shall Be Exercised; Providing For Monthly Payments To The City; Providing An Effective Date; And Repealing Prior Ordinance. **10:20 a.m. Second Reading Public Hearing**

(Public Works)

(This Franchise Agreement is not a true "Ordinance" that falls within the sponsorship requirements set forth within Section 2-12 of the Miami Beach City Code.)
(First Reading on December 9, 2015 - R5N)

ACTION: Title of the Ordinance read into the record. **Ordinance 2016-3989 adopted.** Public Hearing held. Motion made by Commissioner Malakoff; seconded by Commissioner Grieco; Ballot-vote: 7-0. **Eric Carpenter to handle.**

Jimmy L. Morales, City Manager, introduced the item. This is a franchise agreement with the Gas Company; the Administration has been negotiating some difficult issues, but those have been resolved and they wish to approve the franchise agreement to begin collecting fees.

Handouts and Reference Materials:

- 1. Ad 1111 published in The Miami Herald Neighbors Section

01:37:08 p.m.

R5F An Ordinance Amending Chapter 2 Of The Code Of The City Of Miami Beach, Entitled "Administration," By Amending Article VI, Entitled "Procurement," By Amending Division 3, Entitled "Contract Procedures," By Amending Section 2-375, To Be Entitled "Non-Discrimination; Contract Requirements; Waiver," To Provide That The City Shall Not Procure Goods Or Services From, Or Otherwise Contract With, A Business Which Engages In The Boycott Of A Nation Or Country, Or A Business Which Blacklists Or Otherwise Refuses To Deal With A Person Or Entity Based On Race, Color, National Origin, Religion, Sex, Intersexuality, Gender Identity, Sexual Orientation, Marital Or Familial Status, Age, Or Disability, And Providing Definitions, Requirements For City Contracts, And Waiver Provisions; Providing For Repealer, Codification, Severability, And An Effective Date. **10:25 a.m. Second Reading Public Hearing**

(Sponsored by Mayor Philip Levine &
Co-Sponsored by Commissioner Kristen Rosen Gonzalez)
(Legislative Tracking: Office of the City Attorney)
(First Reading on December 9, 2015 - R5O)

ACTION: Title of the Ordinance read into the record. **Ordinance 2016-3990 adopted.** Public Hearing held. Motion made by Commissioner Rosen Gonzalez; seconded by Commissioner Arriola; Ballot-vote: 7-0. **Office of the City Attorney to handle and Alex Denis to handle.**

No discussion.

Handouts and Reference Materials:

- 1. Ad 1111 published in The Miami Herald Neighbors Section

11:55:06 a.m.

SUPPLEMENTAL MATERIAL 2: Revised Memorandum & Resolution

R5G An Ordinance Amending Miami Beach City Code Chapter 2 "Administration," Article VII "Standards Of Conduct," Division 5 "Campaign Finance Reform," Encompassing City Code Sections 2-487 "Prohibited Campaign Contributions By Vendors," City Code Section 2-488 "Prohibited Campaign Contributions By Lobbyists On Procurement Issues," City Code Section 2-489 "Prohibited Campaign Contributions By Real Estate Developers," And City Code Section 2-490 "Prohibited Campaign Contributions By Lobbyists On Real Estate Development Issues," By Providing That, Commencing On March 1, 2016, Members Of The City Commission Or Candidates For Said Offices Shall Be Prohibited From Either Directly Or Indirectly Soliciting, Accepting Or Depositing Any Campaign Contribution Regarding City Elected Office From A Vendor, Lobbyist On A Procurement Issue, Real Estate Developer, Or Lobbyist On A Real Estate Development Issue; Providing For Repealer, Severability, Codification, And An Effective Date. **10:30 a.m. Second Reading Public Hearing**

(Sponsored by Commissioners Micky Steinberg & Michael Grieco

Co-Sponsored by Mayor Levine, Vice-Mayor Alemán

& Commissioners Arriola, Malakoff and Rosen Gonzalez)

(Legislative Tracking: Office of the City Attorney)

(Continued from December 9, 2015 - R5G)

ACTION: Title of the Ordinance read into the record. **Ordinance 2016-3991 adopted as amended.** Public Hearing held. Motion made by Commissioner Grieco; seconded by Commissioner Steinberg; Ballot-vote: 7-0. **Office of the City Attorney to handle.**

Amendment:

For purposes of Subsection A(1)(b)ii hereinabove, the term "indirectly solicit" shall be defined as the situation in which a candidate, campaign committee of a candidate, or member of the City Commission actively coordinates or directs another person or entity to solicit a vendor for a campaign contribution, as prohibited above. The term "indirectly" shall also be defined to include those instances in which a candidate for the offices of Mayor or Commissioner, or a member of the City Commission solicits a vendor for campaign contributions for a political committee that supports or opposes candidates for City elected office.

Raul J. Aguila, City Attorney, recognized Raoul G. Cantero, III, former Justice of the Florida Supreme Court, and former Deputy City Attorney Jean Olin, who was responsible for drafting a number of the City's Ethics legislation, including campaign reform laws; Joseph M. Centorino, Executive Director, Commission on Ethics, was unable to attend the Commission Meeting today as there is an Ethics Commission Meeting today, but he also wanted to remind the City Commission that they have unanimously endorsed the Ordinance, and recommends its adoption. This is significant ethics reform, let alone campaign finance reform. This addresses the issue regarding the concern arisen from the public and the media over the issue of solicitation of campaign contributions by elected officials and candidates for City elected office; and more specifically, solicitation of contribution from PACs. The City's current campaign finance reform laws prohibits candidates running for office from soliciting either directly or indirectly campaign contributions from vendors, real estate developers, as defined in the campaign finance reform laws, and lobbyists for real estate developers and vendors on procurement issues. Direct contribution is when a vendor seeks contribution directly to the campaign account of a candidate or City Commission running for office. He has opined that indirect contribution would only be a contribution to a political committee or PAC, but only if the PAC support or endorse City of Miami Beach candidates, and if that PAC makes an understanding that the contribution is earmarked to go to a specific candidate. The idea for a

candidate to solicit donations from prohibited donors, could give rise to an appearance of quid pro quo corruption. The issue of most concern when drafting the legislation is how this affects a donor's First Amendment right. As Mr. Cantero stated, the act of giving a campaign contribution is an act of First Amendment free speech; we only have the right to regulate that speech if there is a compelling governmental interest. What the Supreme Court has said is that the only compelling governmental interest to regulate someone's First Amendment right to give a contribution is when you are addressing the regulation to prevent quid pro quo corruption or its appearance. During last summer, there was a perception raised continuously among members of the public and the media that did not look right for certain City Commissioners to solicit contributions for a PAC that endorsed candidates, and even though it was not illegal and the City's campaign reform laws did not prohibit that conduct, there was a concern about the appearance and that gave way to this amendment. The amendment prohibits candidates for City of Miami Beach office and City Commission, not only to continue to prohibit candidates from accepting campaign contributions from prohibited donors, but to prohibit those candidates or elected officials from soliciting contributions from prohibited donors for PACs that are endorsing City's candidates. The Ordinance has been reviewed not only by himself, Jean Olin and Mr. Raoul Cantero, but also by Joseph Centorino and the Ethics Commission who are in support. On December 23, 2015, at the Ethics Workshop, the Constitutional issues involved were addressed with the drafting of this legislation. Mr. Cantero at that time gave his opinion as to the Constitutionality of what is being done today. They cannot 100% guarantee that if passed it will not be challenged, but the legislation before the Commission has been drafted as narrow and tailored as much as possible to address the proposed solicitations from prohibited donors, which was the specific concern. Another amendment added to the legislation, as a result of concerns raised by Commissioner Grieco, is the interpretation of "indirect" solicitation to a PAC. Even though it is not a candidate or elected official that are soliciting a contribution from prohibited donors, they do not want this to be something where just because a PAC is supporting a candidate for City of Miami Beach elected office, and a prohibited donor gives an unsolicited donation to that PAC, that is not prohibited, since they do not want to infringe upon the First Amendment right beyond what they need to. Language defining "indirect solicitation" as a solicitation where there is active coordination between the candidate for City Commission and the person making the solicitation to this donor, and in defining that it helps them in the future. He suggested including this language, which was in Supplemental Material 2 into the amendment.

Mayor Levine asked what the process is in the event that the majority or all the Commissioners wish to cosponsor this Ordinance.

Mr. Aguila advised asking the sponsors of this Ordinance, Commissioners Grieco and Steinberg, and then it is up to the primary sponsors to accept the co-sponsorship.

Discussion held.

Frank Del Vecchio stated that the City Attorney has succeeded in reaching the objective of drafting the Ordinance as narrowly as possible, as it will extend the prohibitions on soliciting campaign contributions so a member of the City Commission cannot do it, and it will expand the contributions, not only to the member or candidate's account, but also to PACs. It has been so narrowly defined, that the Ordinance would only apply to 2% or 3% of the developers who submit applications for real estate development. The data submitted shows that the City Clerk's listing of real estate developers who would be covered by what is now being considered, would only be two; Ocean Terrace Development and the Convention Center Hotel. There were at least 61 applications submitted to a land use board by real estate developers last year, and he is not including single-family homes that would not be embraced. What he hopes this City Commission does, on the promise of putting Miami Beach in the lead, to ask experts to give time to look at the definition of real estate developer; the definition is so narrow that only a couple of big developers, would be captured of the great bulk, 97%

of the typical year would be covered, last year. He is asking not to enact this today, but take a second look and have your Constitutional law expert look at the data.

Clotilde Luce attended a meeting at the Community Church before the Elections and Commissioner Wolfson was there that day and he was going into how much he had learned from the mistakes of the PAC last year, but it seems puzzling that what is proposed today accomplishes such a tiny trickle, in terms of repairing the optics for voters and residents. If this City Commission is exempting 97% of the kind of people who actually come before the boards, then it seems like they have not accomplished what they learned from their mistakes.

Commissioner Grieco stated that the Constitutional purpose of this legislation is to prevent a quid pro quo. It is not about just people coming before the boards, but unless one is coming before the City Commission and asking for something; that is where there is a give and take, and that is why developers, lobbyists and vendors are being included. Going over that, the City can be sued for violating people's right to free speech. This is the strictest ethics Ordinance in the State. He is in favor of the Ordinance.

Vice-Mayor Alemán stated that the workshop was educational and she appreciated the input from Mr. Cantero and Mr. Centorino. She explained that the value of the vendor contracts are so high, and for her the 12-month period is too short; she asked if the City Commissioners would consider as far as disqualification from serving as vendor or developer, to expanding the period from 12 to 24 months.

Raul J. Aguila, City Attorney, stated that his recommendation is, because the way the Charter is worded, once adopted and codified, they cannot repeal it or make it more stringent without a voter's referendum. Vice-Mayor Alemán's recommendation is something they can do; he suggested if the City Commission is comfortable passing the Ordinance as it is today, he will bring it back as an amendment after having looked at it. There are precedents for longer provisional periods.

Vice-Mayor Alemán stated that she approves of that and would also like to study the suggestions made by Mr. Del Vecchio to include the definition of those submitting a bid, as long as the bid remains active, and the definition of a real estate developer to include applicants for approval of development applications, except single family homes and projects that do not increase density of usage.

Discussion continued.

Commissioner Rosen Gonzalez would prefer disclosure, as it is the most honest and transparent way to behave, but she will vote on any Ethics Ordinance.

Commissioner Steinberg disagrees with Commissioner Rosen Gonzalez as far as disclosure and added that this needs to encompass all ethical Ordinances; she concurs with Vice-Mayor Alemán's amendment and suggested doing a separate amendment.

Mr. Aguila stated that item R5J would require, but not prohibit, solicitation, but rather require elected officials to disclose. In discussions, the City Commission wanted to go as far as they could. If this is passed, there is no need to discuss R5J. He added that in Miami-Dade County, there are no prohibitions from contributions, and if this is passed today, they are enacting one of the strictest campaign finance reforms. If the City decides to take the lead, Mr. Centorino would bring this Ordinance to other jurisdictions.

Barry Molter asked if a developer could seek out change in height limitation and would not that require this body to change the Code? He is talking about not just a variance, but a developer discovers something and wants the height limitation changed, would not this be this body that voted on it and could not that developer have given money to your campaigns and would not that be an appearance of impropriety?

Raul J. Aguila, City Attorney, explained that if a developer is appearing before this City Commission, he would be required to register as a lobbyist. The City follows the Supreme Law of the country. The City of Miami Beach is pushing the envelope, but they have to be cognizant of the law of the land.

Discussion continued.

Vice-Mayor Alemán added that they need to keep the playing field even to keep the opportunities for someone that has served the City and an individual that has never served the same.

Mayor Levine asked that all Commissioners co-sponsor this Ordinance. The Commissioner all agreed.

Mayor Levine thanked Commissioner Jonah Wolfson for proposing this legislation, and he is happy that they are moving forward with this.

Handouts and Reference Materials:

1. Ad 1112 published in The Miami Herald Neighbors Section
2. Email from Frank Del Vecchio fdelvecchio@atlanticbb.net dated December 31, 2015 to Rafael Granado and RE: Pending Campaign Finance Reform Ordinances R5G [PAC Solicitations], R5H [Disclosure of PAC Solicitations], with document attached entitled "Additions to R5G of vendor and developer."
3. Email from Frank Del Vecchio fdelvecchio@atlanticbb.net dated January 3, 2016 to Mayor's Office, City Manager, City Attorney and City Clerk, RE: 97% Of Real Estate Developers Not Covered By City's Campaign Finance Reform Ordinance!, with document attached entitled "List of 2015 R.E. Developer File Numbers.docx."
4. Email from Frank Del Vecchio fdelvecchio@atlanticbb.net dated January 4, 2016 to Joseph Centorino, Raoul Cantero, City Manager, City Attorney and City Clerk, RE: 97% Of Real Estate Developers Not Covered By City's Campaign Finance Reform Ordinance!, with document attached entitled "List of 2015 R.E. Developer File Numbers.docx."

11:40:42 a.m.

R5H An Ordinance Amending Miami Beach City Code Chapter 2, Article VII, Division 5 Entitled "Campaign Finance Reform," By Adding Thereto Section 2-491 Entitled "Prohibited Lobbying By Campaign Consultants," Prohibiting Campaign Consultants And Certain Affiliated Persons Or Entities From Lobbying City Commission For 12 Months Subsequent To Swearing In Of Subject Elected Official(s), Establishing Definitions, And Limited Exemption; Providing For Repealer, Severability, Codification, And An Effective Date. **10:31 a.m. Second Reading Public Hearing**

(Sponsored By Commissioner Kristen Rosen Gonzalez)

(Legislative Tracking: Office of the City Attorney)

(Continued from December 9, 2015 - R5P)

ACTION: Title of the Ordinance read into the record. **Ordinance failed.** Public Hearing held. Motion made by Commissioner Rosen Gonzalez; seconded by Commissioner Steinberg; Ballot-vote: 2-5; Opposed: Mayor Levine, Vice-Mayor Alemán, Commissioners Arriola, Grieco and Malakoff.

Raul J. Aguila, City Attorney, stated that the proposed Ordinance, if approved, prohibits a campaign consultant of a candidate for City of Miami Beach elected office, from lobbying before the City Commission for a period of 12 months following the swearing in of the candidate.

Commissioner Rosen Gonzalez stated that certain campaign consultants have helped candidates get elected and that this could represent a conflict of interest. There should be a separation of running a campaign and lobbying the City Commission. During this campaign, this consultant came back repeatedly. Former Commissioner Weithorn and former Mayor Dermer requested that she adds this ethics reform.

Mayor Levine stated that after lunch they will be discussing the campaign finance reform Ordinance.

Commissioner Grieco stated that he was elected and supported by his campaign consultant and many residents and he listens to everyone; he thinks this would open up a Pandora's box and he is against this Ordinance.

Commissioner Arriola thinks this is unnecessary and when they are elected, it is based on their platform, their credentials and the help of many people; it is also hard to find qualified consultants.

Vice-Mayor Alemán concurred with Commissioners Arriola and Grieco.

Commissioner Rosen Gonzalez added that certain recommendations and RFP's have been awarded to certain powerful campaign consultants. She stated, for the record, that this campaign consultant is responsible for five elections. One person has helped in electing five candidates, and asked why David Custin cannot be prohibited from lobbying the City Commission for a period of 12 months.

Vice-Mayor Alemán explained that each elected official have their own mind and follow their own conscious, and to say that Mr. Custin has power over the City Commission is preposterous.

Mayor Levine does not understand how a lobbyist can affect him. He suggested, rather than singling out individuals, why not pass a ban on all lobbyists across Miami Beach. He would be in support of that.

Commissioner Grieco, for the record, stated that the previous sponsor of this Ordinance was a previous client of Mr. Custin in 2013 as well.

Commissioner Malakoff agreed with her colleagues; the influence of a lobbyist cannot influence her, as she listens to both sides and makes her decisions for the betterment of the community, and it is demeaning to think that the City Commission would be influenced just because someone was a campaign consultant.

Discussion continued.

Commissioner Steinberg thinks this is strengthening ethics in our City, and for the record, this is not new. This has been brought in front of the City Commission for over a decade.

Mayor Levine thanked Commissioner Rosen Gonzalez and he knows her intentions are good.

Discussion continued.

Handouts and Reference Materials:

1. Ad 1112 published in The Miami Herald Neighbors Section
2. Email from Frank Del Vecchio fdelvecchio@atlanticbb.net dated December 31, 2015 RE: Pending Campaign Finance Reform Ordinances R5G [PAC Solicitations], R5H [Disclosure of PAC Solicitations], with document attached entitled "Additions to R5G of vendor and developer."

01:41:00 p.m.

- R5I An Ordinance Amending Chapter 106 Of The Miami Beach City Code, Entitled "Traffic And Vehicles," By Amending Article II, Entitled "Metered Parking," By Amending Division 1, Entitled "Generally," By Amending Section 106-47, Entitled "Freight, Commercial, And Passenger Curb Loading Zones; Hours, Deliveries"; By Deleting Subsection (c), (d) And (e); By Amending Subsection (b) To Require Property Owners And Businesses To Confirm Compliance With Subsection (g) For Commercial Motor Vehicles Deliveries And Services; By Prohibiting Deliveries Or Services For Commercial Motor Vehicles That Fail To Comply With Subsections (f) Through (n); By Creating A New Subsection (d) And (e), Which Limits The Authority Of The Special Master; By Amending The Enforcement And Penalty Provisions For Violations Of Subsection (b); Providing For Codification, Repealer, Severability, And An Effective Date. **10:35 a.m. Second Reading Public Hearing**
 (Sponsored by Commissioner Michael Grieco)
 (Legislative Tracking: Office of the City Attorney)
 (Deferred from December 9, 2015 - R5E)

ACTION: Title of the Ordinance read into the record. **Ordinance failed.** Public Hearing held. Motion made by Commissioner Grieco to amend the Ordinance to make the first offense a warning, second offense \$500 fine, third offense \$1,000 fine and fourth offense \$2,000 for accepting delivery; seconded by Vice-Mayor Alemán provided that if it passes, and educational notification must be prepared and sent to the business community. Ballot-vote: 3-4; Opposed: Commissioners Arriola, Rosen Gonzalez, Malakoff and Steinberg.

Aleksandr Boksner, First Assistant City Attorney, explained the item and stated that this is an Ordinance that ultimately will create further responsibilities on individual property owners and businesses. It will prohibit accepting commercial motor vehicle deliveries without confirming that the driver is complying with the freight loading zone requirements set forth in this proposed Ordinance. There was a further amendment that was propagated by Commissioner Grieco that excluded, specifically, the delivery of what he considers to be packages or parcels, such as FedEx, the US Postal services and other such couriers. Between first and second reading there was a request by Commissioner Grieco to further create an exemption that would apply to those properties that are along Collins Avenue, from 15th Street to the northern most boundary of the City of Miami Beach, and eastward that would not be required to verify the fact that their deliveries are being made in compliance with this Ordinance.

Commissioner Malakoff stated that these loading zones regulations are anti-small business; she is aware of the importance of having trucks deliver as needed, and having loading zones is a good idea; however, she is not in agreement with the liens to the business owners for the driver's violations. This legislation is well intentioned, but it will hurt small businesses.

Commissioner Grieco stated that the legislation is anti-traffic, not anti-small businesses. The fine on the driver is \$1,000 and \$30 fine is for a parking issue. The business owner is being fined for accepting the delivery without establishing that the delivery truck has not caused a back up to major arteries. The City is crippled when it comes to traffic. It is the number one issue. He believes that people should follow the rules. If they fine one business, then the rest will follow through and comply.

Commissioner Rosen Gonzalez thinks it is the truck driver's fault if he or she parks in the wrong place, and she thinks it will be unenforceable. Commissioner Rosen Gonzalez asked how the people will be educated on this.

Commissioner Arriola applauded Commissioner Grieco for bringing this forward, but agrees with Commissioners Rosen Gonzalez and Malakoff that this will only hurt the business owners, and he is not in favor of this.

Commissioner Steinberg stated that the spirit of the legislation is good, but it may not have the intended results. The City cannot regulate parcel delivery trucks such as UPS trucks or DHL, and they are part of the traffic problem.

Mayor Levine strongly supports Commissioner Grieco on this Ordinance. Unfortunately, there has not been too much progress by the Police Department in its regulation of this particular problem. Anything the City Commission can do to avoid the trucks from parking on City roads is worth doing, and until they put together the concept where one Police car is driving clockwise, and another one counterclockwise, and announce on a megaphone for truckers to move along, he is in favor of anything that will repel loading trucks from parking.

Commissioner Grieco clarified that UPS and FedEx trucks will be the ones cited for blocking the road. Small businesses receiving such parcel deliveries from these trucks are exempt and will not be cited. They are not trying to be punitive.

Police Major Causey stated that the Commission recently approved the employment of four traffic congestion specialists; two in the day shift and two in the afternoon. These individuals, who will act as the City's Road Rangers, will exclusively patrol up and down all the main arteries and prevent anyone from blocking the traffic. Discussion was held regarding the design of the vehicle that these individuals will utilize. It will most likely be a four-wheel drive pick-up truck with a hydraulic sign that goes up, to provide traffic information. In the event of a traffic fatality, or other major crash, where portable VMS boards will be needed, these employees will be the ones trained to move the VMS boards to strategic locations, in order to provide information to motorists.

Discussion continued regarding response to double parking violators.

Mayor Levine asked if they could start a citizens program where the individuals take photographs of violations and send them in to the Police Department. He suggested having a methodology of warnings and violations before the citations.

Chief Oates discouraged the Commission from issuing warnings. Chief Oates pointed out that in 2015, the Police Department had a good year in enforcement, and there was a remarkable effort. He agrees that more needs to be done, and this is a continuing challenge for all.

Commissioner Malakoff stated that once the City employs the 5 new traffic Police Officers, it will help a great deal. Commissioner Malakoff added that business owners do not need to be punished by assessing these fines of up to \$5,000 for local parking violations. Additionally, Commissioner Malakoff is not sure that it is allowable under State law, which provides for that the State has the exclusive "enforcement framework" for local parking regulation. If the City goes forward with this Ordinance, she would like an Attorney General opinion on it.

Vice-Mayor Alemán asked, if this is adopted, how will the City notify the businesses of this Ordinance and the steep fines.

Mr. Boksner explained that the Office of the City Attorney would create a notification process that is signed by the Police Chief and the Code Enforcement Director. This notification would be issued to the individual property owners notifying them that this Ordinance is in effect and what the consequences would be if violations occur. Although there is no legal requirement to do this, if that is the direction given by the Commission, they Office of the City Attorney can prepare such a notice.

Vice-Mayor Alemán wants to see such a notification process implemented if the Ordinance is adopted.

In response to Commissioner Steinberg, Chief Oates explained that the five new traffic enforcement Officers should be hired by midyear, approximately June 2016.

Discussion continued.

Motion made by Commissioner Grieco to amend the Ordinance to make the first offense a warning, second offense \$500 fine, third offense \$1,000 fine and the fourth and subsequent violation \$2,000 fine.

In response to a question from Commissioner Steinberg, Mr. Boksner explained that if a vehicle is parked blocking a lane of traffic it would be enforced by the Police Department, as it requires the issuance of a Uniform Traffic Citation. However, if the vehicle is improperly parked on a commercial loading zone, such violation can be enforced by the Police, Code and Parking Departments.

Mayor Levine explained that this Ordinance sends a message that the City is serious about traffic enforcement; the Ordinance can always be modified later if the intended consequences are not achieved.

Commissioner Rosen Gonzalez inquired as to how the officer will determine to which business a truck is delivering goods. Mr. Boksner stated that it would be incumbent upon the officer to ensure that there is evidence to support the issuance of the violation. It would therefore be fact specific.

Commissioner Grieco explained that this Ordinance pertains to the acceptance of the good; not the parking of the trucks. The onus is on the business operator or the business owner for accepting the delivery.

Commissioner Arriola stated that the proposed Ordinance is an administrative nightmare for the officer who will have to determine who is accepting the delivery, and it becomes a burden on the small business owners. Commissioner Arriola does not think the City needs to do this, as we are breaking the backs of the small business owners.

Handouts and Reference Materials:

1. Ad 1112 published in The Miami Herald Neighbors Section

R5J An Ordinance Amending Miami Beach City Code Chapter 2, Article VII, Division 5 Entitled "Campaign Finance Reform," By Adding Thereto Section 2-491 Entitled "Disclosure Of Solicitation," Requiring Any Candidate Or Campaign Committee Of A Candidate For The Offices Of Mayor Or Commissioner Or Member Of The City Commission Who, On Behalf Of A Political Committee Which Supports Or Opposes Candidates For Elected City Office, Solicits Campaign Contributions For City Elected Office From A Vendor, Lobbyist On A Procurement Issue, Real Estate Developer And/OR Lobbyist On A Real Estate Development Issue, To Disclose The Date Of Solicitation As Well As Name And Contribution Amounts Of Any Individual Who Was Solicited, Disclosure To Be Filed In Office Of The City Clerk. **First Reading**
 (Sponsored By Commissioners Micky Steinberg & Michael Grieco)
 (Legislative Tracking: Office of the City Attorney)
 (Continued from December 9, 2015 - R5H)

ACTION: No vote taken. Superseded by item R5G.

02:12:55 p.m.

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

ACTION: Title of the Ordinance read into the record. **Ordinance adopted on first reading as amended.** Motion made by Commissioner Steinberg to approve the item; seconded by Commissioner Grieco. Ballot vote: 7-0. Second reading, Public Hearing scheduled for **February 10, 2016**. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda, if received. **Thomas Mooney to handle.**

TO DO:

Elizabeth Wheaton and Susanne M. Torriente to do outreach and explain it.

Amendment:

Review prices, fees and alternatives on second reading

City Clerk's Note:

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

Thomas Mooney, Planning Department Director, stated that the Ordinance was approved by the Planning Board. The Administration recommends its approval. He introduced Elizabeth Wheaton and Rogelio Madan who did a great deal of the work on this item.

Rogelio Madan, Principal Planner, briefly explained how the Ordinance applies to new construction and ground-floor additions. The Ordinance applies to buildings over 7,000 square feet and new additions over 10,000 square feet. It requires the applicant to post a bond of 5% of the construction costs prior to obtaining a building permit. After the building is constructed and they receive their certificate of occupancy achieving green building certification, they will get the 5% refunded. The funds collected will be used by the Environmental Division.

Elizabeth Wheaton, Environment & Sustainability Division/Assistant Building Director, stated that the Sustainability and Resiliency Fund would be used to fund projects such as environmental remediation, groundwater and surface water monitoring, as well as innovative storm water projects, and green infrastructure. This dedicated funding source would allow the division to develop and/or enhance existing projects.

Mr. Madan stated that the electrical vehicle parking Ordinance recently adopted by the City will also have the money collected deposited into the same fund.

City Manager Morales clarified that this is not all or nothing scenario. If the developers achieve a lower level, they will get a percentage back.

Mr. Madan stated that there is Gold, and Silver LEED certification, and then there is no certification.

Commissioner Malakoff asked if homes over 10,000 square feet will be included, or if this is only for commercial buildings.

Mr. Madan stated replied that homes over 7,000 square feet will be included. That number was determined based on direction given. They wanted to make sure that homes that have the greatest impact were covered.

Commissioner Arriola asked if someone does not comply, whether they will be charged five percent over the construction cost. He also asked what the process is to get the LEED certification, and who judges the construction.

Mr. Madan replied that the LEED is owned by the U.S. Green Building Council, which is a not-for-profit agency that certifies buildings. The Council determines compliance based on a checklist.

Ms. Wheaton stated that the U.S. Green Building Council is a national agency that certifies buildings around the world, but is based in the United States. They look into many aspects from the site location; its proximity to transportation, energy efficiency, and water efficiency. Within each of the categories, the buildings are designed to meet certain standards. Again, the designer and the architect would submit a checklist and work during the design process to make sure that the building is up to standard.

Mr. Madan stated that being in Miami Beach, a City with many mixed-use buildings, walkability, and good public transportation compared to other Cities. Developers will be able to get credit simply for building in Miami Beach.

Discussion continued regarding the 5% fee.

Commissioner Rosen Gonzalez stated that although she does not like adding 5 percent to the cost of a building project, the City needs to slow down building in general due to excess traffic. Miami Beach needs to be a leader in sustainability. She asked if this would apply to a restaurant that is renovating, or every commercial building project.

Mr. Madan replied that this applies only to new construction or ground-floor additions. If a building is being renovated by over 50% of the construction value, the Building Code considers the project a new construction, and those projects would have to comply.

Discussion held.

Alexander Heckler commended the City Commission on its initiative, and stated that this fund is needed. He asked for the City Commission to consider creating its own certification that would not be as expensive to the developer, given that 5% over the construction cost can be very expensive.

Commissioner Arriola agreed with Mr. Heckler's statement. He added that he is hesitant to agree to this Ordinance, because it may place too much of a burden on developers. He is for resiliency and sustainability, but if the LEED certification is expensive and a hassle, he will not support it. He would like to know what the cost of the LEED certification is. **Thomas Mooney to handle.**

Mayor Levine proposed passing the item on First Reading, and between now and Second Reading, come back with the price, understanding, and perhaps an alternative certifications, but asked the City Commission to move forward. **Thomas Mooney to handle.**

Discussion held regarding the cost of the LEED certification.

2:30:30 p.m.

R5L Required Off Street Loading Spaces

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

(Sponsored by Commissioner Joy Malakoff)

(Legislative Tracking: Planning)

ACTION: Title of the Ordinance read into the record. **Ordinance adopted on first reading as amended.** Motion made by Commissioner Malakoff to approve the item as written, not including the Planning Board version; seconded by Commissioner Grieco. Ballot vote: 7-0. Second reading, Public Hearing scheduled for **February 10, 2016**. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda, if received. **Thomas Mooney to handle.**

City Clerk's Note:

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

Amendment:

Approve as written

Do not include Planning Board's version

Thomas Mooney, Planning Department Director, explained that this was a two-part referral, one for new construction of multi-family commercial buildings that require loading provided within the structure. They added a new standard for any change of use in the existing building, whereby permit had to meet the approval of the Parking Department. If there is new construction, this would no longer require a variance, but instead would be in the purview of the HPB or DRB, provided that the Parking Department has approved this.

Commissioner Rosen Gonzalez asked why the City is fighting loading zones when the City is also waiving loading zone requirements.

Mr. Mooney replied that in some circumstances properties in historic district do not offer a curb out, so they want to make it clear in the Code that in those particular instances, where they have to do on-street loading, the Parking Department will approve it, and it will be part of the development process.

Commissioner Steinberg asked what the process is like today.

Mr. Mooney replied that if there is new construction that has difficulty providing all or some of the required off-street loading spaces, they can seek a variance from the Board of Adjustment. The Board of Adjustment would typically require a detailed on-street loading plan to be provided as a condition of the variance. This Ordinance would no longer require a variance to waive those off-street loading requirements, so long as they can provide an on-street loading plan the Parking Department finds acceptable.

Commissioner Rosen Gonzalez asked why the Parking Department would decide if the on-street loading plan is acceptable.

Mr. Mooney replied that it is because the Parking Department regulates on-street parking, loading and deliveries. They would be the ones most suited to approve such a plan.

Mayor Levine explained that the objective of this item is to stop new construction without loading zones.

Discussion held.

Commissioner Malakoff moved the item as written, not including the Planning Board version; seconded by Commissioner Grieco.

02:40:00 p.m.

R5M CD-2 Height For Mixed-Use On Alton Road

An Ordinance Amending The Land Development Regulations Of The City Code, By Amending Chapter 142 "Zoning Districts And Regulations," Article II "District Regulations", Division 5, "CD-2, Commercial, Medium-Intensity District," At Section 142-306, "Development Regulations," By Increasing The Maximum Permitted Height For Properties On The West Side Of Alton Road From 6th Street To Collins Canal Providing For Codification; Repealer; Severability; And An Effective Date.

First Reading

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

ACTION: Title of the Ordinance read into the record. **Ordinance adopted on first reading.** Motion made by Commissioner Malakoff to approve the item; seconded by Vice-Mayor Alemán. Ballot vote: 7-0. Second reading, Public Hearing scheduled for **January 27, 2016**. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda, if received. **Thomas Mooney to handle.**

City Clerk's Note:

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

Thomas Mooney, Planning Department Director, introduced the item. This would allow a height increase for commercial and mixed-use CD-2 buildings on the West side of Alton Road between 6th Street and Collins Canal.

Commissioner Malakoff explained that the ten foot height increase has to do more with sea level rise than adding floors to buildings. Streets have currently been elevated leaving retail stores lower than the streets. This Ordinance would allow the buildings to eventually be level with the street by adjusting the bottom and top of the buildings.

Discussion continued regarding the ten foot height increase.

3:00:35 p.m.**SUPPLEMENTAL MATERIAL 1: Memorandum & Ordinance**R5N An Ordinance Amending Chapter 30 Of The Miami Beach City Code, Entitled "Code Enforcement," By Amending Article II, Entitled "Special Master," By Amending Section 30-37, Entitled "Terms Of Office; Compensation"; By Amending The Compensation Of The Special Master(s); Providing For Codification, Repealer, Severability, And An Effective Date. **First Reading**

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

ACTION: Title of the Ordinance read into the record. **Ordinance adopted on first reading.** Motion made by Commissioner Grieco to approve the item; seconded by Commissioner Arriola. Ballot vote: 7-0. Second reading, Public Hearing scheduled for **February 10, 2016**. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda, if received. **Office of the City Attorney to handle.**

Aleksandr Boksner, First Assistant City Attorney, explained that the Ordinance amends the compensation for the Special Master and increases the rate to \$150, which is a \$50 increase, which has not been adjusted in 25 years. This is the prevailing rate from other municipalities.

Vice-Mayor Alemán explained that it is important to have good quality Special Masters in the City.

3:03:12 p.m.

- R50 An Ordinance Amending Chapter 78 Of The Code Of The City Of Miami Beach, Entitled "Personnel," By Amending Article I, Entitled "In General," By Amending Section 78-2, Entitled "Reserved," To Codify Requirements For Criminal History Record Checks For Certain Municipal Employees, Appointees, Contractors, Employees Of Contractors, And Vendors, In Accordance With State Law; Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading**
(Sponsored by Commissioner Michael Grieco)
(Legislative Tracking: Human Resources)

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: 7-0. Second reading, Public Hearing scheduled for **February 10, 2016**. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda, if received. **Sylvia Crespo-Tabak to handle.**

Sylvia Crespo-Tabak, Human Resources Director, stated that the word "appointees" was removed out of the title and from the document, per Commissioner Malakoff's request. They have had an agreement with Florida Department of Law Enforcement since 1999 for background checks. They started using the VECHS System in 2008 for fingerprinting and background check for employees, vendors and contractors coming into the City. They had an FBI audit done this year, and the City has gone beyond the intent of the VECHS. In order to continue to use this program to run the criminal background history for everyone, they need an Ordinance from the legislative body authorizing them to do so.

Commissioner Steinberg suggested codifying this and she is in support of the item. She suggested eliminating the check box for people coming for interviews for those with one-time offenses to not be discouraged.

Ms. Crespo-Tabak stated that they ask about convictions, not arrests.

Commissioner Grieco is familiar with first time offenders and he thinks it is relevant and he thinks people should be up front about it.

3:08:00 p.m.

- R5P An Ordinance Amending Chapter 2 Of The Miami Beach City Code Entitled "Administration," By Amending Article IV Entitled "Officers And Employees," By Amending Section 2-191 Entitled "Enumeration Of Organizational Units," By Creating The Environment And Sustainability Department; And Providing For Severability; Repealing All Ordinances In Conflict Therewith; And Providing For An Effective Date. **First Reading**
(Sponsored by Vice-Mayor John Elizabeth Alemán)
(Legislative Tracking: Human Resources)

ACTION: Title of the Ordinance read into the record. **Ordinance adopted on first reading.** Motion made by Commissioner Malakoff to approve the item; seconded by Commissioner Alemán. Ballot vote: 7-0. Second reading, Public Hearing scheduled for **February 10, 2016**. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda, if received. **Sylvia Crespo-Tabak to handle.**

Sylvia Crespo-Tabak, Human Resources Director, introduced the item.

Susanne Torriente, Assistant City Manager, stated that they are elevating the Division of the Building Department (Sustainability and Environment Division) to a full department; some adjustments to their salaries will be made according to the ranges, but no additional staff is being added.

Commissioner Steinberg clarified that they are only creating a department, there is no additional staffing, budgetary enhancement or salaries.

3:10:42 p.m.

R5Q 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 February 28, 2017; And Providing For Repealer, Codification, Severability, And An Effective Date. **First Reading**

(Sponsored by Commissioner Joy Malakoff)

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

ACTION: Title of the Ordinance read into the record. **Ordinance adopted on first reading as amended.** Motion made by Commissioner Malakoff to approve the item with a termination date of March 31, 2017; seconded by Vice-Mayor Alemán. Ballot vote: 7-0. Second reading, Public Hearing scheduled for **March 9, 2016**. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda, if received. **Jose Gonzalez to handle.**

Amendment:

Bring template before second reading

Second public hearing scheduled on March 9, 2016

Termination of project is March 31, 2017

TO DO:

Bring guidelines

Jose Gonzalez, Transportation Director, introduced the item. Policy issues and direction were given on specific fees. It was decided to exempt applicants from concurrency and sidewalk café square footage fees; this Ordinance is an amendment that abates the sidewalk café fees for the Washington Avenue Parklet program for a one-year period.

Commissioner Malakoff stated that the Parklets on Washington Avenue are to encourage sidewalk cafes to expand and enhance landscape; the issuance of the permit will be for one year. She explained the fees. The sidewalk café fees are being asked to be waived for the pilot program.

Jose Gonzalez, Transportation Director, explained that the termination of the pilot program will be March 31, 2017. Second reading will be March 9, 2016.

Discussion held regarding templates.

Commissioner Arriola requested a template be presented before second reading to avoid unintended consequences. **Jose Gonzalez to handle.**

Discussion held.

3:16:40 p.m.

R5R 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.

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

ACTION: Title of the Ordinance read into the record. **Ordinance adopted on first reading as amended.** Motion made by Commissioner Malakoff to approve the item to include Parklets from 6th Street to Lincoln Road; seconded by Commissioner Arriola. Ballot vote: 7-0. Second reading, Public Hearing scheduled for **March 9, 2016**. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda, if received. **Thomas Mooney to handle.**

REFERRAL:

Planning Board

Thomas Mooney, Planning Department Director, explained that before the Commission can adopt a resolution waiving concurrency fee, a minor amendment to Section 122-5, pertaining to exemption from concurrency, needs to be approved by the City Commission. If adopted on today on first reading, the item will then be discussed on February 23, 2016 at the Planning Board, and will be brought back for second reading on March 9, 2016. On March 9, 2016, the resolution can also be adopted.

Commissioner Malakoff stated that there is currently an Ordinance that states that the temporary uses in public rights of way is determined by the City Commission by resolution, specifying geographic areas, criteria and duration of exemption where such uses front on or are north of 63rd Street. What is being requested is to change that to include Washington Avenue, from 6th Street to Lincoln Road. She was not comfortable with the text "it can be anywhere in the City." They need to be very specific for Washington Avenue, because we do not necessarily want Parklets or other types of uses in other parts of the City. We want Parklets in an area where a master planner has determined it to be a positive thing.

Mr. Mooney will leave in the current language "where such uses front on or are north of 63rd Street or Washington Avenue, 6th Street to Lincoln Road."

3:20:26 p.m.

SUPPLEMENTAL MATERIAL 1: Memorandum & Ordinance

R5S 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 Increasing The Monetary Fines 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 Increasing The Monetary Fines For Violations Of Subsection 142-1111(a), (b) And (c); And Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading**

(Sponsored by Mayor Philip Levine)

(Legislative Tracking: Office of the City Attorney)

ACTION: Title of the Ordinance read into the record. **Ordinance not adopted on first reading.** Lilia Cardillo to place on the February 10, 2016 Commission Agenda, if received. **Office of the City Attorney to handle.**

TO DO:

- Refer Homestead violations to the County, so that they may research the case and determine whether to repeal homestead exemption;
- Look into increasing the fines significantly to make it commercially unviable to have short-term rentals;
- Cooperate with City Staff and the community, and offer compensation for assistance in identifying short-term renters;
- Extend the violation period to 24-months, as opposed to the current 12-month period;
- Look into fining condominiums that do not go after short-term renters.

Mayor Levine stated that the party houses situation is out of control, and he believes it is because the City's fines are too low for those involved to care. To stop this practice, the City needs to substantially increase the fines so that no one will rent out party houses. Currently, when Code Enforcement goes to a home, they state that they do not have enough evidence to site the offenders. He believes the onus should be removed from the City and placed on the renters, who will be able to appeal at one of the City's boards.

Aleksandr Boksner, First Assistant City Attorney, explained that there are two components. The first violation fine goes from \$1,500 to a fine of \$10,000; after that, it increases by \$5,000 until the violation fine reaches \$30,000. He added that it is important to understand that the fines will run for a 24-month period, as opposed to the current 12-month period, which expands the violation period.

Mayor Levine stated that the fines are too low. He would like to charge \$25,000 for luxury mansions, and \$10,000 for normal-sized homes. He asked if the City could possibly charge \$1 per square foot in fines.

Mr. Boksner stated that there is a discriminatory concern if the sizes of the homes are utilized to determine the fine. The Office of the City attorney recommends that fines be uniformly applied. He gave the example of a small oceanfront apartment, which could charge the same, if not higher, than a large non-oceanfront mansion.

Commissioner Arriola asked if fines could be a percent of the rental fee.

Mr. Boksner stated that it is very difficult to determine what the rental fees are, once it is determined that short-term rental or party rental has occurred.

Commissioner Arriola suggested that a letter could be sent to the County informing them if a home that claims Homestead Exemption is being rented, and let them investigate. Without the exemption, a home could then be assessed at fair market value, driving the taxes very high.

Discussion continued.

Vice-Mayor Alemán asked if the City could take charge of the situation, and offer a whistleblower commission for informing the City of someone they know of short-term renting. The offer could possibly be 10% of the fines collected.

Mayor Levine agreed and stated that most neighbors would most likely comply, just to stop the short-term rentals. He reiterated his opinion that fines must be heavy to cause an impact on these homes, which are often valued in the millions and tens of millions of dollars.

Discussion held regarding increasing fines.

Vice-Mayor Alemán stated that it seems very easy for people to find these places to rent on the internet. She would like the City to be more proactive with City staff to look for these ads, or as she stated previously, compensate the community for helping the City identify the renters.

Commissioner Arriola stated that this proposition would require additional staff, but large fines could help fund staff.

Discussion held.

Hernan Cardeno, Code Compliance Director, stated that currently, the City does refer Homestead violations to the County, and they do companion investigations for unlawful advertising of short-term rentals.

Discussion held.

Mr. Boksner stated that he would like to go through the Ordinance again, and bring back to the City Commission on First Reading.

Mayor Levine agreed with Mr. Boksner and asked him to have reports of Homestead violations go to the County, and go after Condominium Associations that do not control short-term renters.

Commissioner Rosen Gonzalez asked if homes would be allowed to do photo shoots under this Ordinance.

Mr. Boksner stated that yes, they could. Provided the owners get the required permit.

~~R5T 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 Adding New Subsection (B)(5)A Which Prohibits The Advertisement For The Lease Of Single Family Homes For Less Than Six Months And One Day, By Adding New Subsection (B)(5)B, Which Provides The Enforcement For A Violation Of Section (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 Section (A) To Prohibit The Advertisement Of Short Term Rental Of Apartments Units Or Townhomes; And Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading**~~

~~(Sponsored by Mayor Philip Levine)
(Legislative Tracking: Office of the City Attorney)~~

ACTION: Duplicate Item.

R7 - Resolutions

2:47:00 p.m.

SUPPLEMENTAL MATERIAL 3: Memorandum & Resolution

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

10:40 a.m. Public Hearing

(Budget & Performance Improvement)

ACTION: Title of the Resolution read into the record. Public Hearing held. **Resolution 2016-29262 adopted.** Motion made by Commissioner Rosen Gonzalez; seconded by Commissioner Arriola. Voice vote: 7-0. **John Woodruff to handle.**

John Woodruff, Budget & Performance Improvement Director, introduced the item. There are seven items in this amendment: The first one is for the light rail environmental review approved at the December 16, 2015 Commission Meeting. There is a new playground at the Scott Rakow Youth Center that was approved at the December 9, 2015 Commission meeting. A renewal replacement project that needs additional funding. There are three projects: Sunset Island 3 and 4; Lower North Bay Road; and a 54" redundant sewer force main that are items on this agenda (See R7P, R7O and R7L). The last one is a housekeeping item making corrections to the last capital amendment.

Michael Llorente, Esq., spoke regarding the environmental review for the light rail project and the fact that setting the design standard at this point at 30 percent could be unnecessarily costly and problematic.

Mayor Levine stated that he does not think that the City should be going out and spending \$10 million and going up to 30 percent design on this, because we have no idea who is going to be the potential vendor on this streetcar, and someone may come to the City with an unbelievable deal and we are spending all this money on the design, and the potential vendor may say, "I don't know why you designed it that way, as it will cost you this much less and you shouldn't have spent the \$10 million."

City Manager Morales explained that because we are: a) literally moving so fast and b) at the very preliminary stage, this number is a placeholder. We are not committing or spending it. because of the need for speed, we are doing a parallel environmental analysis and a parallel procurement process.

Depending on what comes out of the procurement process, the budget will be impacted. Therefore, this is a placeholder. Before the City enters any contracts or does any design, the Administration will come back to the City Commission. This is more of a placeholder to have the funds. We do not want to under budget if it turns out if there is it is a great deal more involved, but the Administration figures that this is a reasonable number to cover us.

Commissioner Rosen Gonzalez stated that between December 16, when the City Commission initially voted on the light rail project and now, she has done a great deal of research. At first, Commissioner Rosen Gonzalez was very skeptical because she thought the City might not have the County, State or Federal funding, and that the City was spending the largest amount of money. However, she has thought about it and Mayor is correct; the proposals for light rail have been going on for 25 years. The way that the City is allocating this \$10 million or at least putting a placeholder makes sense. If we do not do it now, we are never going to do it. Commissioner Rosen Gonzalez thinks it is going to act like a catalyst. Commissioner Rosen Gonzalez is putting her trust in that everybody working on this project is going to do whatever they can to make sure that the City does get buy-in from the County so that the City can get this project approved and that the City does get State and eventually Federal funding. However, even if we never make it across the bridge, Commissioner Rosen Gonzalez does think that the loop that the City is doing is a tremendous project, and she thinks that given that the City is having all of these traffic issues, Commissioner Rosen Gonzalez thinks the Commission has no other choice.

Commissioner Arriola agrees with Commissioner Rosen Gonzalez.

City Manager Morales stated that the City received a letter yesterday from the Miami-Dade County Mayor Carlos A. Gimenez indicating, in fact, that it is quite likely that the Program of Interrelated Projects (POP), a new program from the Federal government will allow the City to advance its portion, and allow the remaining projects to remain eligible for funding; and in fact the City's portion could even become the local match. A great deal of progress has been made.

Mayor Levine stated that one is either a leader or a follower, and this City has chosen to be the leader in this process.

Jose Gonzalez stated that there is a certain level of engineering required as part of any preliminary engineering project development for these types of ventures. The City does need to develop concepts and alternatives to a certain extent to determine feasibility and be able to move the project to the next level. As the City Manager mentioned, that is the purpose of these funds, to provide flexibility

Handouts and Reference Materials:

1. Ad in The Miami Herald No. 1112

2:53:15 p.m.

SUPPLEMENTAL MATERIAL 3: Revised Memorandum & Resolution

R7B A Resolution Adopting The Second Amendment To The General Fund, Enterprise Fund, Internal Service Fund, And Special Revenue Fund Budgets For Fiscal Year 2015/16. **10:45 a.m. Public Hearing**

(Budget & Performance Improvement)

ACTION: Title of the Resolution read into the record. Public Hearing held. **Resolution 2016-29263 adopted.** Motion made by Commissioner Malakoff; seconded by Vice-Mayor Alemán. Voice Call Vote: 7-0. **John Woodruff to handle.**

John Woodruff, Budget & Performance Improvement Director, introduced the item. This is the second operating budget amendment of the year. There are five items. The first is a light rail portion. This is the savings within the Transportation Fund that will be used to help pay for a portion of the project, because when the City budgeted Fiscal Year 16, the City included full amounts for all the trolleys, and some of them have not been implemented yet; so there is prorated savings for the rest of the year. The second item is within the confiscated trust fund budget; the City tends to budget for that on a line item basis and Police, instead of doing the articulated aerial work platform trailer, they rather purchased a used Coast Guard boat. It is really just swapping the two allocations out. The third item is related to the Munis and Energov project; the City's financial and permitting software systems are being replaced; and the go live date is April 1, 2016. In looking at how the Energov system is supported, there is a recommendation that the City add two positions to help make that successful. Funding for those two positions is actually new funding -- funds that are available because when the Planning and Building permit process fees were updated in December, some training and technology type funds were actually added as part of that, and that is what will help offset those costs. The fourth item is the Sunset Island underground project. Even though that's going to be paid for by an assessment from those property owners in year one, what happens is the City runs into a cash flow issue where there is really no money upfront, so all this does is put upfront money from the General Fund that subsequently gets covered after year one. The last item is a version control issue during when the City was trying to finalize the budget, and \$150,000 of funding for body worn cameras in one of the confiscated trust fund was left out and this puts it back in.

Handouts and Reference Materials:

- 1. Ad in The Miami Herald No. 1112

4:00:27 p.m.

R7C A Resolution Approving "Alternative No. 1" And Authorizing The Mayor And City Clerk To Execute Change Order No. 3 To The March 13, 2013 Construction Contract Between The City Of Miami Beach, Florida, And Lanzo Construction Co., Florida, For Right-Of-Way Infrastructure Improvements Under The Venetian Islands Bid Package 13C (The Contract); Which Change Order Includes: 1) Construction Work Associated With Six (6) New Stormwater Pump Stations That Meet The City's Enhanced Stormwater Criteria, In The Not-To-Exceed Amount Of \$12,257,864, 2) A Time Extension Of 365 Calendar Days Required To Complete The Scope Of Work Within San Marino, Dilido And Rivo Alto Islands; And 3) An Increase To The Owner's Contingency Of \$1,225,787; All For A Total Change Order Of \$13,483,651.

(Capital Improvement Projects Office)
(Deferred from December 9, 2015 - R7Z)

ACTION: Resolution 2016-29264 adopted. Motion by Vice-Mayor Alemán, seconded by Commissioner Arriola. Voice-vote: 7-0. **David Martinez to handle.**

David Martinez, CIP Director, introduced the item.

Commissioner Rosen Gonzalez asked about noise pollution and removal of green space.

Diane Katzen, Rivo Alto Island resident, made a PowerPoint presentation. She introduced Mr. Jon R. Hall to explain it. Mr. Hall is an expert in stormwater with 40 years of experience.

John R. Hall, representing homeowners on Venetian Islands, suggested pursuing Option 2, which is to move the pump station to the street right of way in the terrace, as to the proposed breezeway. The biggest concern is damage to homes and patios associated with current design. If pump stations and control panels are moved to the terraces, the risk will be greatly reduced. In four out of five cases, the near house structure is 15 feet. He heard concerns with relocation; this is a viable alternative. Questions were raised as to the efficiency but there is no question that these can perform as effectively once relocated. Option 2 proposes to share the negative impact among residents and there would still be noises. The stations have been situated by consultants.

Discussion held.

Jürgen Brendel spoke.

Richard Freeman is supportive of this project. The proposed criteria are not the only criteria, as this is a very dense populated area. His request is to use the adjacent properties on the terraces, removing them a few feet, which will enhance the citizen's needs.

Ken Rosen is in favor of Option 2.

Mayor Levine asked to assess the six homes and move the item.

Raul J. Aguila, City Attorney, stated this is not a productive discussion if the City continues to be threatened with litigation; he would ask the Commission not to address these litigation comments.

Mr. Martinez stated that there is always risk in construction.

Eric Carpenter, Assistant City Manager/Public Works Director, explained that the most important thing is the collaborative approach with residents to make this project better. In cases where structures protruded above ground, they can get the structures underground; so there are solutions to many of the problems; it is a matter of working together.

[Slide shown.](#)

Rick Dopico stated that the natural beauty of the bay will be replaced by these pump stations. He urged the City Commission to proceed with Option 2.

Diane Katz invited the City staff to come and attend neighborhood meetings. The excavation issue would be affecting those residents on the east and west side of the breezeway. If those pieces of the pump stations are moved to the terraces, that would be alleviated. The dissipater boxes are away from the foundation of the surrounding and/or abutting homes.

Discussion held.

Hernando Nava and Luz Leon have been working with the City; one of the concerns is the excavation; currently projects like this are built without issues. This is always a concern, but there is the technology. He thinks this can be addressed and his contractors have done similar projects. The last thing anyone wants is to inconvenience the residents.

Discussion continued.

Jürgen Brendel spoke regarding right of ways.

Discussion held.

Carter McDowell, Esq., spoke regarding negative impact on a number of people owning adjacent properties. He asked that if they adopt Option 1, to price it.

Discussion continued.

Alain Degree, San Marino Island resident, spoke in opposition of Option 1. Mr. Degreve is concerned with the noise from the pumps.

Vice-Mayor Alemán stated that the city has been very flexible and accommodating. Although no one wants the pumps next to them, the City has to move forward

Commissioner Steinberg commended David Martinez and his team for his outreach efforts.

5:01:00 p.m.

SUPPLEMENTAL MATERIAL 5: Additional Information

R7D A Resolution Establishing A Policy Not To Hire Individuals Who Use Tobacco Or Tobacco Products Including, But Not Limited To, Cigarettes, E-Cigarettes, Cigars, Chewing Tobacco, Snuff, And Pipes, And To Prohibit The Use Of Such Products Throughout The Individuals' Employment With The City Of Miami Beach.

(Sponsored by Commissioner Michael Grieco)
(Legislative Tracking: Human Resources)

ACTION: Item withdrawn after discussion.

Commissioner Grieco stated that part of his proposal regarding only hiring non-smokers is fiscal, and the other part is about productivity. If they were to pass this, the City would be the 12th or 13th in the State of Florida to take on such a major issue; more importantly, in order to be a certified firefighter they have to applicants must certify that they are non-smokers. Hospitals, including Mount Sinai, also have the same policy. There are three types of insured employees; those insured through AvMed, others through Humana, and the last group insured by spouse or family member. Twenty-two percent of City employees use AvMed. Humana does not track whether an employee is smoker or nonsmoker. He added that statistically, last year the City spent \$151,418 on medical claims related to diseases of respiratory for tobacco users. If one extrapolates that out and assume that same percentage of employees are insured by Humana, they have the same costs, and that is 56%. The annual cost would be approximately \$500,000 per year in tax dollars that are spent paying for the respiratory problems of employees that are smokers. If one extrapolates that out to five years, it is approximate \$2.5 million. There is also obviously the productivity issue. If anyone is thinking that this is not legal, or there is some sort of discrimination issue, this was tested in courts 20 years ago; it is a trend nationwide, not just with municipalities but with hospitals and private businesses all over the place, it is lot of money. Hundreds of thousands of dollars are being spent taking care of folks

that are choosing to use tobacco products. He knows that people are addicted and he will make some amendments to make this more palatable, but in his mind, when it comes to being the caretakers of tax dollars, this is borderline a no-brainer. One amendment is that the only exception would be, if someone were to make a submission to the City Manager, and only the City Manager could waive this policy, meaning it is a strict policy for all applicants. This does not apply to current employees; current employees would be grandfathered in. The second amendment would not prohibit hiring E-Cigarette smokers. Commissioner Grieco clarified smoking cessation programs would be made available and not exclude E-Cigarette smokers.

Commissioner Malakoff agrees how harmful cigarettes are, but she believes this proposal is discriminatory; this building is a smoke free workplace, and to tell people what they can do in their own homes on their own times it is discriminatory.

Vice-Mayor Alemán concurs; alcohol consumption and obesity have medical impacts as well, and that is not being addressed; she is not comfortable with this proposal.

Commissioner Arriola agrees with his colleagues; and where will they draw the line? Commissioner Arriola is unable to support this.

Sylvia Crespo-Tabak, Human Resources Director, explained that obesity is not protected by the ADA and those individuals have a difficult time being hired. The only protected overweight class, because it is considered a disability and protected by ADA, is morbid obesity, when one is approximately 100 pounds above ideal weight or have a BMI of 35 to 40.

Commissioner Grieco stated that unhealthy eating and drinking does not lead to having employees take breaks. It is the same thing with drinking. The issue is that this is a smoke free workplace; there are over 1,900 employees, out in the field that may smoke while driving or during work. It is legally discriminatory behavior and something that about a dozen municipalities do and their health insurance cost has reduced over the years.

Commissioner Rosen Gonzalez conducted a poll yesterday and asked employees their opinion on the proposal; she thinks it would ruin employee morale, and while she thinks they are moving to a smoke free country in general, there is no way to do it now without offending smokers. She thinks employees should be kept happy and does not agree with this policy. Happy employees are more productive.

Mayor Levine thinks it is a positive change and will support this proposal 100%. Mayor Levine predicted that the future is smoke free. He added that we may be ahead of our time with this proposal.

Commissioner Steinberg has mixed feelings, but will vote to support it today.

Commissioner Grieco suggested that when the elected officials that are opposing this today become comfortable with this issue, they should be the ones to place the item back on the agenda.

Commissioner Arriola suggested asking for higher insurance premiums for smokers.

Ms. Crespo-Tabak stated that cessation programs are voluntary, and Obamacare says you can charge 50% more to smokers. **Sylvia Crespo-Tabak to handle and provide additional information regarding charging employees who smoke a greater health insurance premium.**

In response to Commissioners Rosen Gonzalez and Steinberg, Ms. Crespo-Tabak explained that the City's has a free smoking cessation program.

3:38:58 p.m.

R7E A Resolution Consenting To The Appointment Of Allison R. Williams As The Chief Financial Officer (CFO) Of The Finance Department For The City Of Miami Beach.
(Human Resources)

ACTION: Resolution 2016-29265 adopted. Motion by Commissioner Malakoff, seconded by Vice-Mayor Alemán. Voice-vote: 7-0. **Sylvia Crespo-Tabak to handle.**

City Manager Morales stated that sometimes they do searches, high and low, to find a great candidate. Sometimes they find that the best candidate was in our own backyard. Allison R. Williams has been with the City for about 12 years now, has a tremendous background in finance and accounting; she is one of the few candidates who had both certifications. Ms. Williams has taught at FIU now for 11 years. The City during the past four months has worked closely with Ms. Williams, as she stepped in to lead the Financial Department, and oversaw the single largest bonded financial transaction in the City's history. Ms. Williams finalized this transaction with flying colors, and gained unsolicited praise from the Wall Street bankers and the bond lawyers. Budget Director John Woodruff, who oversaw her work during this interim period, praises her work, and she fits our culture. Ms. Williams has tremendous support of the people that she works with. City Manager Morales presented to the Commission Ms. Allison R. Williams for approval as the City's next Chief Financial Officer.

Ms. Williams thank the City Manager, each of the Commissioners and Mayor for the opportunity. She is honored, and if appointed, she will hold the position with honor and integrity.

5:21:36 p.m.

R7F A Resolution Supporting The Increase Of Parking Violation Fines In Chapter 30 Of The Code Of Miami-Dade County, Providing Severability, Inclusion In The Code And Effective Date.
(Parking)

ACTION: Resolution 2016-29266 adopted. Motion by Commissioner Malakoff, seconded by Commissioner Grieco. Voice-vote: 6-1; Opposed: Commissioner Rosen Gonzalez. **Saul Frances and Rafael E. Granado to handle.**

Saul Francis, Parking Director, introduced the item. Miami-Dade County is authorized to regulate parking fines for all jurisdictions in Miami-Dade County. The existing fine schedule is almost 20 years old. It is outdated to say the least. It is not effective with the existing parking rate schedules that we have in Miami Beach as well as in other cities throughout the County. The resolution before the Commission is a sentiment to encourage the County to increase their fine schedule. They are looking for support. The current fine is \$18.00.

Commissioner Malakoff commented that it is less expensive to get a parking ticket/citation than it is to pay for parking.

R7G A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 2 To The Lease Agreement With The Miami Beach Police Athletic League, Inc. (PAL), Substantially In The Form Attached To This Resolution, Relating To The Building Located At 999 11th Street (Premises); Said Amendment Establishing The Permitted Uses Under The Lease; Clarifying And Establishing Terms Relating To The Shared Use Of The Premises By The City And PAL; Clarifying The Operational, Management, And Maintenance Obligations With Respect To The Shared Use Of The Premises; And Further Extending The Lease Term For An Additional Two (2) Years, Through And Including June 30, 2025.

(Police)

ACTION: Item deferred to **February 10, 2016**. Lilia Cardillo to place on the Commission Agenda if received. **Chief Police Oates to handle.**

3:41:28 p.m.

R7H A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Proposals Received, Pursuant To Request For Proposals No. 2015-013-YG (The RFP), For Security Officer Services; Authorizing Award Of Contracts To Kent Security Services, Inc., Allied Barton Security Services, LLC, And G4S Secure Solutions (USA) Inc.; And Further Authorizing The Mayor And City Clerk To Execute An Agreement With Kent Security Services, Inc., Allied Barton Security Services, LLC, And G4S Secure Solutions (USA) Inc.

(Procurement/Police)

ACTION: Resolution 2016-29267 adopted as amended. Motion by Commissioner Grieco, seconded by Commissioner Malakoff. Voice-vote: 6-1; Opposed: Commissioner Rosen Gonzalez. **Alex Denis, Chuck Tear and Chief Daniel Oates to handle.**

Amendments:

1. Commissioner Grieco moved the item as a pool with the number two and three ranked/point getter companies (Allied Barton and GS4) being selected.
2. Selected companies do everything in their power to hire the people who are currently under employment with Security Alliance and give them the first shot at jobs under the new contracts.

Alex Denis, Procurement Director, introduced the item. This RFP was issued to replace the current contract, which is on a month-to-month basis for approximately two years. The City's current contract is with a single contractor, but City is currently using two other contractors through piggybacks with the State of Florida and Miami-Dade County. Ten proposals were received; five were deemed nonresponsive for failure to comply, and five of the proposals were reviewed by the evaluation committee. The evaluation committee deemed three proposers as the top proposer; and their scores were very close. The scores for the other two were somewhat distance. The top three were Kent, Allied Barton, and G4S. The administration is recommending the top three proposers to continue the current pools of three vendors to serve whatever the security guard needs are. Mr. Denis would also like to address briefly some of the letters that have been going around. The first is the issue of litigation history with Kent. All of the bidders had some litigation history reported. Kent's litigation history was not excessive when compared to the others. There was an issue with a prior contract with the City of Miami regarding the living wage, but that was has cleared up. Actually, the City of Miami is one of the firms that the City of Miami Beach contacted for references, and they gave Kent very high marks. Kent also had an issue of the City of Miami when there was an event to unionize. That attempt failed and Kent is currently a nonunion contractor. Some of the others are union. As you know, the State of Florida is a right to work State and the City cannot bar a nonunion contractor

from a City contract. There is also some issue with the National Labor Relations Board allegations. The Office of the City Attorney did some research on that, and did not find anything substantial. Finally, the second issue relates to the allegation that the City allowed the bidders to change the price. That is incorrect. There is nothing in the process that will allow the bidders to change the bid prices, once the bid has been awarded.

Chuck Tear, Director of Emergency Management, stated that he and the Police Chief have discussed the item, and they support the City Manager's recommendation.

Lili Bach spoke in opposition of Kent.

Raul J. Aguila, City Attorney, stated that while the City is aware of the living wage noncompliance with Kent. Mr. Aguila just wants to correct the record as there was no actual litigation commenced by the City of Miami with regard to, and Kent provided restitution.

Alex Heckler, Esq. spoke on behalf of the incumbent firm, Security Alliance.

Fermin Gomez spoke on behalf of Security Alliance.

Representative of Kent Alliance notified the Commission that he was present to answer any of their questions; and provided their history.

City Manager Morales stated that Kent was ranked # 1.

Commissioner Steinberg stated that she is not comfortable with Kent being one of the recommended security firms. Commissioner Steinberg is uncomfortable with Kent's background. She takes these matters very seriously. These are men and women who have families and they work and she wants them to be treated very well. She just cannot see herself right now in good conscience allowing a company to come in as one of the top people to take over a potential contract where they have had issues, so she does not know that Kent is the best responsible vendor.

Commissioner Arriola agrees with Commissioner Steinberg. His company supplies services to a great deal of municipalities. His company is subject to living wage Ordinances, and they comply. It is pretty easy; you have to pay the wage. If you do not, it is an unfair advantage to everyone else. With regard to security, that is something the City should not mess around with. They saw what happened on 9/11 when airlines were responsible for security and lowest cost won, and they saw what happened. They cannot mess with this.

City Manager Morales stated that our staff looked at Kent's background. They reached out to the City of Miami, which is the one entity that they are complaining that Kent did not comply with in terms of living wage. Everything the City of Miami Beach has been told by the City of Miami is positive. The City of Miami gave Kent very high marks. Companies often have hiccups, and Kent obviously addressed them. Two of these companies are nonunion companies; the others appear to be union friendly companies. His recommendation is that if you do not want to go down this path, then the City should go out and do a complete analysis of all of these companies. His guess is, as Alex Denis pointed out; none of these companies have clean hands. They all had issues, so if you are going to be fair to all the companies lets fully vet all these companies. At the end of the day, the City can go with three companies, two companies; the City could just have one company. If they remove one of the three, then the City Manager would recommend going with the other two and not necessarily expanding beyond that. The City Manager has been involved with procurement matters for 20 years. The whole point of competitive procurement is that nobody has an entitlement to a contract. Sometimes you get to a difficult point, were a long-standing vendor is not selected. There are

transitions. The new companies hire some of these folks from before. That stuff can happen here. If you have competitive procurement, one of the potential consequences is that a current vendor is not selected. It is hard, but it is the reality.

Commissioner Grieco moved the item as a pool with the number two and three ranked/point getter companies (Allied Barton and GS4) being selected.

Commissioner Steinberg asked if Mr. Grieco would amend his motion to add that the selected companies do everything in their power to really try to look at the people who are currently under employment with Security Alliance and give them the first shot at jobs under the new contracts, because there are some good people who work here and have worked here for 10 years, 20 years, and she would hate to see just because a new company is coming that they will be out of a job. Especially Tony from City Hall.

Alex Denis, Procurement Director, stated that they could add the provision requested by Commissioner Steinberg to the contracts. **Alex Denis to handle.**

City Manager Morales stated that both of those companies, Allied Barton and GS4 are also incumbents.

Seconded by Commissioner Malakoff.

Voice-vote: 6-1; Opposed: Commissioner Rosen Gonzalez.

Handouts and Reference Materials:

1. Email from Lili Bach ,LBach@seius32bj.org. dated January 8, 2016, to City Clerk, RE: SEIU 32BJ letter re Security RFP.
2. Letter from Helene O'Brien, Florida director, SEIU 32BJ to Mayor, Commissioners and City Manager, dated January 7, 2016, RE: Kent Security's Record.
3. Letter from Alexander P. Heckler, Esq., dated January 12, 2016 RE: Agenda Item R7H.
4. Email from David Custin custindr@davidcustin.com dated January 12, 2016 RE: Item R7H relating to RFP #2015-013-YG For Security Officer Services.
5. Information about Kent Security, compiled by SEIU 32BJ dated January 7, 2016.
6. Signed post cards to Keep Miami Beach Safe; Vote NO to Kent Security in Miami Beach!
7. Letter dated January 29, 2016, from Neisen O. Kasdin, addressed to Mayor Levine; Vice-Mayor Alemán; Commissioners Steinberg, Grieco, Malakoff, Rosen Gonzalez and Arriola; City Manager Morales; and City Attorney Aguila RE: RFP 2015-013-YG (Security Officer Services) – Unfair Treatment of Kent Security.

5:23:00 p.m.

R71 A Resolution Authorizing The City Manager To Decline, In Writing, The Owner's Reciprocal Right Of First Refusal, As Required Pursuant To The Terms Of Section 36.2 Of The Agreement Of Lease ("Ground Lease") Between The City ("Owner") And 1691 Michigan Ave Investments LP ("Tenant"), Dated As Of September 1, 1999, Involving The Improvements To The Property ("Project") Located At 1691 Michigan Avenue, Miami Beach, Florida; And Further Approving Tenant's Sale Of The Project To CLPF - Lincoln, LLC, A Delaware Limited Liability Company ("Proposed Purchaser"), Subject To The Administration's Successful Completion Of Its Evaluation Of The Proposed Purchaser In Accordance With Article 10 Of The Lease ("City's Due Diligence"), And Payment To The City Of Its Reasonable Costs Incurred In Connection With The Proposed Sale Including, Without Limitation, Reimbursement Of The City's Due Diligence Costs; And Further Authorizing The City Manager And City Clerk To Execute Any And All Closing Documents On Behalf Of The City.

(Tourism, Culture & Economic Development)

(Deferred from December 16, 2015 - R7B)

ACTION: Resolution 2016-29268. Motion by Commissioner Grieco for the City not to exercise its right to purchases; with the caveat that the Office of the City Attorney scrutinize to the fullest extent allowed by law/contract, including ensuring that the buyer held the \$20 million requirement for assets for an reasonably adequate period prior to the transaction; Seconded by Commissioner Malakoff. Voice-vote: 7-0. **Max Sklar to handle.**

City Manager Morales stated that the expiration is tomorrow, January 14, 2016, and the City was not able to get an extension. The City tried and the City had folks looking for buyers but none emerged.

Mayor Levine asked if there was some kind of extension the Administration could possibly get.

Max Sklar, Tourism, Culture & Economic Development Director stated that the City requested an extension today, with the City Attorney. However, the request was declined by the tenant.

Mayor Levine thinks that the tenant did things improperly, and they have to give an extension to the City; as there are some potential irregularities.

Raul J. Aguila, City Attorney, explained that the City requested an extension to this meeting, on whether or not to exercise the right of first refusal. If the City does exercise the right of first refusal (the option to purchase), what that means is the City has to purchase the parking garage for the sale price that the tenant provided in the notice, \$109,250,000. The City also has to negotiate a purchase in sale contract, and the City has to close no later than 90 days following the date that that purchasing sale contract is executed.

Mayor Levine asked of the City Attorney if there are not certain things that would allow the City to extend this option.

City Attorney Aguila responded that there are not, it is voluntary. The City did get one extension for a month to bring it to you today, and any other extension is at the discretion of the current tenant.

The Mayor inquired if there were any irregularities with this.

City Attorney Raul J. Aguila explained that as the ground lessor of the garage, in other words the garage sits on our land. The City has the right to approve, subject to the ground lease, any potential buyers, and the tenant has notified the City of a potential sale, and the tenant provided the notice required under the ground lease. The City had a certain amount of time that the tenant provided the City to either exercise the purchase of the garage for the same purchase price that they have the

purchasing sale agreement on, or if they don't, then the City proceeds to go ahead and approve the proposed buyer. The City's approval is really limited to 1) the new buyer takes the property subject to ground lease, and 2) there are specific approval terms of the ground lease, specific criteria as to whether or not the purchaser qualifies as a permitted buyer.

Mayor Levine believes the City should extend its option, there is always the chance that the buyer is not qualified.

City Attorney Aguila explained that the City cannot unilaterally do that. If the City extends its option, then the City enters into the approval timeline, and if the City does not approve a permitted buyer within the time period provided, then the City waives the right to approve them and they just automatically are approved.

Mayor Levine inquired if there is anything the City is allowed to change.

City Attorney Aguila responded that any amendment of the lease is subject to both parties' agreement. There are no unilateral changes that the City could make to the ground rules.

City Manager Morales stated that in terms of irregularity, the process of the lease for the right of first refusal is that the tenant was supposed to first come to the City and say to the City that they are thinking of selling the building or selling their interest in the ground lease. Then the City would have an opportunity to negotiate, and then the City would go find a buyer. Instead, the tenant came to us simultaneously, the tenant came to the City and said by the way we want to sell the ground lease, and this is the offer we received.

Mayor Levine stated that it could be deemed a violation and the City wants an extension.

City Attorney Aguila stated that the terms of the right of first refusal are expressly set forth in the lease.

Mayor Levine inquired if the City does not agree to do anything, what happens?

City Attorney Aguila responded that if the City agrees to do nothing, then what happens is: 1) the City cannot subsequently exercise our right of first option. Therefore, if for example, we were to agree today to exercise our right to purchase the garage, what the City would do is proceed to negotiate a purchase and sale agreement with the tenant, on the same purchase price, and the City would have to negotiate a purchase sale agreement and close within 90 days. If the City doesn't close, and there is a deposit, the City would forfeit it, and, under the ground lease if the City exercises the option and the City does not close, the City waives its future right to approve future sales of that garage.

Rafael Paz, First Assistant City Attorney, explained it is an issue of the timing, whether the tenant had to notify us earlier with their thoughts about selling their interest in the property. Whenever they did on November 9, the City still have 45 days to make the decision, and the City has taken that time, plus an extension. Therefore, from the tenant's perspective, they would say the City had time to review.

Commissioner Grieco agrees with the Mayor. Commissioner Grieco inquired what the City has to sign off on. What are the conditions of approval?

City Attorney Aguila explained that this is a sale, under the terms of this ground lease. Ordinarily, as

the City has done with these types of public-private projects that the City owns the ground in the past, the City's responsibility is to approve the proposed purchaser as a permitted buyer. The lease sets forth criteria for that. They have to have a minimum net worth threshold, they have to take the property subject to the ground lease. The lease has criteria for approving the buyer.

Rafael Paz, First Assistant City Attorney, listed additional criteria. They cannot have a bankruptcy in the last seven years, they cannot have a conviction or be under the indictment, they have to have minimum assets of \$20 million, they cannot have been adverse to the City in any litigation in the last seven years, and they cannot be a foreign instrumentality. Those are the basic provisions.

Discussion continued regarding what is a foreign instrumentality.

Mr. Paz confirmed that the proposed purchaser is not a foreign instrumentality.

City Manager Morales explained that the City did have a couple other groups come in and look at it pursuant to our potential and they were not able to get comfortable.

Commissioner Grieco explained that he had spoken to the City Manager and Max Sklar about a month about the concept of bringing someone else in, other potential buyers. It seemed like it was kind of a one off, this is the City's land and he didn't want to see the City signing off and waiving our rights without having a say on what is going on.

Commissioner Steinberg had the same thought. She was very upset that the City is being pushed into a box in a sense. If the Office of the City Attorney is advising the Commission that the only options are either refuse or find a buyer by tomorrow, those are not options that she think are viable for us right now. I think the City is going to have to refuse. Moving forward on any of the City's other properties, Commissioner Steinberg wants there to be clarification and language so that this does not occur again.

City Attorney Raul J. Aguila reiterated the City's legal options. The City can either not exercise its right to purchase the property, or proceed with its due diligence as to whether or not the proposed purchase meets permitted buyer criteria. Alternatively, exercise the City's right to purchase the property, which means the City has to purchase the property for \$109,250,000, and then negotiate a purchase and sale contract and close within 90 days of negotiating the contract. If the City does not close, if there is a deposit that is part of the negotiation, the City could possibly forfeit that, but more importantly if the City does not close, the penalty provided under the ground lease, the penalty for not closing of the ground lease is that the City waives its right to approve any future buyers.

The Mayor provided another alternative, which is to send a letter to the tenant and say the City is not taking either of the above action, and the City will get some type of extension.

City Attorney Aguila explained that if the City takes neither of the above, then under the ground lease, the response is going to be that as of the right to purchase the property, the City's option has expired and deemed waived. If the City does not approve the permitted buyer in a permitted amount of time, then the approval rights is deemed waiver and the buyer is approved. It is not ambiguous.

City Manager Morales added that in the current leases, for instance in the Convention Center Hotel lease, assuming it is approved by the voters, the City has put language that if they sell it in the future, the City receives money.

Max Sklar explained that the lease in question is from 1999.

Commissioner Grieco detailed the history of the present lease that the current City Commission

inherited, and how we have arrived at today's events. Commissioner Grieco added that the City has learned its lesson and incorporated clauses into its current leases to prevent this situation. Commissioner Grieco reiterated this Commission's frustration at the current situation, and the entire body's attempt to get creative to get the tenant to the table.

Gisela Torres, Senior Assistant City Attorney, recapped the timeline. City Attorney Aguila explained that the City had already received a 30-day extension.

Motion by Commissioner Grieco for the City not to exercise its right to purchases; with a caveat that he wants the Office of the City Attorney to scrutinize this new buyer as much as possible, including the \$20 million asset requirement to, ensure that those assets were there well before today. Seconded by Commissioner Malakoff.

5:40:35 p.m.

R7J A Resolution Accepting The Recommendation Of The Neighborhood/Community Affairs Committee, And Approving The Proposed South Beach Trolley Route And Service Plan; And Further Authorizing The City Manager To Negotiate An Interlocal Agreement With Miami-Dade County For The Approved South Beach Route, Which Negotiated Agreement Shall Be Submitted To The Mayor And City Commission For Approval Prior To Execution.
(Transportation)

ACTION: Resolution 2016-29269 adopted. Motion by Commissioner Grieco, seconded by Vice-Mayor Alemán Voice-vote: 7-0. **Jose Gonzalez to handle.**

Jose Gonzalez, Transportation Director, introduced the item. Mr. Gonzalez explained that at the December 18, 2015, Neighborhood/Community Affairs Committee, the members made a motion recommending the South Beach trolley route and the service. This resolution before the Commission today authorizes the City to consider working with Miami-Dade Transportation on an interlocal agreement; and the City would work with Miami-Dade Transit to terminate the current agreement that allows for the South Beach Local service, and would allow the City to implement the South Beach trolley. The South Beach Local is funded, one third of the annual operating cost by the City, and two-thirds by the County. The City's contribution is approximately \$1.3 million, so as we continue to work with the County, the Administration would look to reallocate that funding toward the South Beach trolley; and for the County's contribution to be redirected towards some type of express or enhanced bus service, serving Miami Beach. Mr. Gonzalez highlighted how the proposed trolley route differs from the South Beach Local. Mr. Gonzalez explained that the City intends, via the trolleys, to provide a higher-level service than the current South Beach Local. The trolleys will run with 10 to 15 minutes headways. The City plans on operating Monday through Saturday, from 6:00 a.m. to 12:00 a.m., and on Sundays from 8:00 a.m. to 12:00 a.m. These are longer hours than the South Beach Local. The Trolley will provide better east to west connection via 11th Street, and the City will continue to serve Belle Isle, but because of the low ridership at that stop, it will be at lesser frequency of 30 minute.

Mayor Levine stated that the plans look great.

Mr. Gonzalez clarified that in the resolution, in order to implement this proposed trolley service as soon as possible, the City may need to conclude the current South Beach Local agreement with Miami-Dade Transit before the termination date. Mr. Gonzalez added that this termination would not interrupt service.

Commissioner Steinberg asked if the City was recapturing the City's PTP (Peoples' Transportation Plan) portion of its funds. Mr. Gonzalez replied in the affirmative, and that it would be part of the negotiations for the interlocal agreement.

In response to Vice-Mayor Alemán's question, Mr. Gonzalez replied that there is no termination fee of any kind, and that the City could terminate for convenience. Mr. Gonzalez reiterated that there would not be any interruption of service; the termination of the South Beach Local would occur on the same day the trolley system becomes operational. Mr. Gonzalez added that the trolleys would provide a higher level of service.

Commissioner Steinberg asked to look into environmentally friendlier/greener trolleys. Mr. Gonzalez explained that the current contract is for diesel-powered trolleys. Commissioner Steinberg asked Jose Gonzalez to look into for the future. **Jose Gonzalez to handle.**

5:45:32 p.m.

R7K A Resolution Urging The Florida Legislature To Oppose HB 163 And SB 300 Regarding Amendments To The Florida Statutes Regarding The Open Carry Of Firearms And Weapons.
(Sponsored by Commissioner Kristen Rosen Gonzalez)
(Legislative Tracking: Office of the City Attorney)

ACTION: Resolution 2016-29270 adopted. Motion by Commissioner Rosen Gonzalez, seconded by Commissioner Malakoff. Voice-vote: 7-0. **Office of the City Attorney and Rafael E. Granado to handle.**

Commissioner Rosen Gonzalez explained that there is a bill in the Senate and the House, regarding "open carry" that will allow people to strut their weapons if they have a concealed weapons permit; they would just be allowed to carry their weapons anywhere. There is a second bill to allow guns on college campuses. Miami Beach should take a leadership role in this, and send a message to Tallahassee that this is not acceptable. .

Debora Turner, First Assistant City Attorney, explained that this is a resolution urging the legislature to opposed Oppose HB 163 And SB 300 relating to the open carry of firearms and weapons.

5:46:47 p.m.

R7L A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Change Order, Design-Build Contract With David Mancini & Sons, Inc., For Design-Build Services Includes: 1) Additional Design, Permitting And Construction Services To Provide A 54" Redundant Sewer Force Main Project To 11th Street (From Euclid Avenue To Pump Station No. 1, West Of Meridian Avenue); (2) Replacement Of Existing Water, Sewer, And Stormwater Infrastructure; (3) Refurbishing Of Pump Station No. 1; And (4) Street Improvements Relating To Elevating Final Grade, Upgrading Of Lighting, New Paving, And Landscaping; For A Total Amount Of \$6,165,012; Plus An Owner's Project Contingency In The Amount Of \$616,501; For A Grand Total Of \$6,781,513, With Previously Appropriated Funding And Additional Funding Request Subject To The 2nd Amendment To The FY 15/16 Capital Budget.

(Public Works)

ACTION: Resolution 2016-29271 adopted. Motion by Commissioner Malakoff, seconded by Commissioner Grieco. Voice-vote: 7-0. **Eric Carpenter to handle.**

Eric Carpenter, Assistant City Manager/Public Works Director, introduced the item. This is the 54-inch redundant force main contract that we had awarded last summer. The City is well underway with the contract; however, while we are looking at the scope of work for the open cut on 11th Street, between Euclid and Jefferson, there are three blocks that the City will be open cutting a 54-inch sewer force main. The City is tearing up the entire street for that installation. The Administration thought it might be prudent, while we are there, to go ahead and do final streetscape improvements, including doing some elevating of that particularly low-lying area of 11th Street and redoing the water mains. The Administration is interested in moving forward with the entirety of those three blocks, which is approximately \$4 million and then there is \$2 million of issues that the City has identified with pump station # 1, which is the most critical sanitary sewer pump station. The City has new management at our operations group, and they are doing complete assessments of all pump stations. This is our most critical one.

City Manager Jimmy Morales explained that of all the pump stations, this is the most critical piece. This is the pump station that clears out South Beach. The other work is, while we have the ground open, if we want to do the pipes, this is the time to do it.

Mayor Levine asked if we have the money.

Mr. Carpenter and City Manager Morales explained that the City has identified the funding.

5:49:04 p.m.

R7M 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 Following Property Owners: 500 Alton Road Ventures, LLC; South Beach Heights I, LLC; 1220 Sixth, LLC; And KGM Equities, LLC, Hereinafter Jointly Referred To As "Property Owners" Of 500-700 Alton Road (Hereinafter The "Property"); Which Agreement Provides For The Payment Of \$788,650 Toward School Board Concurrency By Property Owners To M-DCSB Due To The Property Owner's Application To Construct 485 Multifamily Residential Units On The Property; 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.

(Office of the City Attorney)

ACTION: Resolution 2016-29272 adopted. Motion by Commissioner Arriola, seconded by Commissioner Malakoff. Voice-vote: 7-0. **Office of the City Attorney to handle.**

Thomas Mooney, Planning Department Director, introduced the item. This is a resolution pursuant to the interlocal agreement. This relates to a new development project that is subject to school concurrency requirements, and they have agreed to enter into a mitigation plan with the School Board. The project is 500 to 700 Alton Road.

Eve Boutsis, Deputy City Attorney, introduced the item. This is the Waves project, between 500 to 700 Alton Road. When the new project is done that adds residential units, its required pay a concurrency fee to the School Board for new classrooms that are required under the calculations. This is required under the City's interlocal agreement with the School Board.

5:50:27 p.m.

R7N A Resolution Declaring The Official Intent Of The City Of Miami Beach, Florida To Enter Into A Loan In Order To, Among Other Things, Reimburse Itself From The Proceeds Of Such Loan For Funds Advanced By The City For Certain Expenses Incurred With Respect To The Placement Underground Of Utility Lines On Sunset Islands 3 And 4; And Authorizing Certain Incidental Actions.
(Office of the City Attorney)

ACTION: Resolution 2016-29273 adopted. Motion by Commissioner Malakoff, seconded by Commissioner Rosen Gonzalez. Voice-vote: 7-0. **Office of the City Attorney to handle.**

Rafael Paz, Jr., First Assistant City Attorney, introduced the item. This is a reimbursement resolution that is required by IRS regulations relating to tax-exempt debt. A special assessment district for Sunset Islands 3 and 4 was created in December, and the residents and the City Commission approved the special assessment. The City is moving forward with the project and the City needs to fund certain expenses. The City will use general fund revenues and then be reimbursed by the proceeds of a loan. Most likely, that loan will use the renewal of the line of credit that the City has and that will come back to the Commission in the next few months. The resolution before the Commission would permit the general fund to be reimbursed from the proceeds of the loan and ultimately the loan itself will be reimbursed by the special assessment.

5:51:36 p.m.

R7O A Resolution Authorizing The Mayor And City Clerk To Execute Amendment No. 2 To The Design/Build Services Agreement Between The City Of Miami Beach, Florida, And Central Florida Equipment Rentals Inc., Dated January 24, 2014 (The Agreement) For The Right Of Way Infrastructure Improvement Project No. 8b, Lower North Bay Road Project; The Amendment Includes; 1) Acceleration Of The Construction Of All Phases Of The Project, 2) Allowance For Reimbursable Expenses Associated With Remediation Work In Contaminated Area, And 3) Allowance For Street Lighting Improvements; For A Total Amount Of \$2,878,260; Plus A Five (5) Percent Owner's Contingency In The Amount Of \$645,908, For A Grand Total Of \$3,524,168; From Previously Appropriated Water And Sewer Bonds And Stormwater Master Plan Program Fund, And Capital Reserve Funding Subject To 2nd Amendment To FY 2015/16 Capital Budget.
(Capital Improvement Projects)

ACTION: Resolution 2016-29274 adopted. Motion by Commissioner Grieco to approve the resolution; seconded by Commissioner Arriola. Voice-vote: 7-0. **David Martinez and Eric Carpenter to handle.**

DIRECTION:

Bring back at the February 10, 2016 Commission Meeting with a potential budget amendment proposal to get lighting done in this neighborhood.

David Martinez, CIP Director, introduced the item. He stated that it has four components: 1. Acceleration of the project, where \$1.5 million will be paid at specific milestones; 2. Allowances, this project requires certain things to happen regarding water and soil disposal; 3. Street lighting, they currently have \$400,000 for the project, but estimates calculate the amount needed being \$500,000; and 4. Contingency, when this project was originally awarded, they did not request a contingency for it, and they would like to ask for contingency money at this point. They are only capturing 5% in terms of the usual 10%. Therefore, that equals approximately \$3.5 million for the change order.

Vice-Mayor Alemán asked if this neighborhood will get the much-needed light fixtures.

Mr. Martinez replied that they will install the light poles, and work on the underground components, but the biggest problem is lack of funds for the project.

Discussion held regarding the neighborhood's street lighting.

Commissioner Malakoff stated that they cannot allow this neighborhood to continue going through this construction process. The work needs to be accelerated, with longer work hours, and more crew.

Commissioner Grieco asked what can be done to get further ahead on the lighting issue.

Mr. Martinez replied that increased funding would help, because currently they do not have enough funds to complete the light fixture project.

Eric Carpenter, Assistant City Manager/Public Works Director, explained where they have been getting the funds to finance this project.

Commissioner Arriola stated that they should go ahead with the project as if they got all the necessary funds, because the City will finance the cost. This job needs to be done.

Commissioner Grieco moved the item with direction for it to return to the City Commission next month with a potential budget amendment proposal to get the lighting done in this neighborhood.

5:58:05 p.m.

R7P A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 1 To The Design-Build Services Agreement Between The City Of Miami Beach, Florida, And Ric-Man International, Inc., For The Design-Build Services For Neighborhood No. 8: Sunset Islands 3 & 4 Right-Of-Way Infrastructure Improvements Project; The Amendment Includes 1) Additional Design, Permitting And Construction Services Associated With Homeowners' Association's (HOA) Requests, Miscellaneous Repairs, Construction Related Changes, And Additional Utility Undergrounding Activities; And 2) Time Extension Of Forty-Three (43) Calendar Days; For A Total Amount Of \$339,625; Plus An Owner's Project Contingency In The Amount Of \$800,000; For A Grand Total Of \$1,139,625, With Previously Appropriated Funding And Additional Funding Request Subject To The 2nd Amendment To The FY 15/16 Capital Budget.

(Capital Improvement Projects)

ACTION: Resolution 2016-29275 adopted. Motion by Commissioner Malakoff, seconded by Commissioner Grieco. Voice-vote: 7-0. **David Martinez to handle.**

David Martinez, CIP Director, stated that this is an amendment to the Ric-Man International design build agreement for \$339,626 and also adding \$800,000 of owners' contingency to the project, which it did not have originally. There are several items that are part of this amendment, and there is reconfiguration of intersections, additional cost related to FP&L materials that we have not received. There is also additional water meters, and relocation of a pump station. The Homeowners Association asked him to put on the record a request to not charge them the \$160,000 that is part of the amendment attributed to the undergrounding due to the work delay.

Commissioner Rosen Gonzalez asked if this meant that the City would be paying for the neighborhood's undergrounding fee.

Mr. Martinez explained that the request from the Homeowners Association was due to work delay, but it was not the fault of the City or homeowners, the process was very long, and required going through many hoops and hurdles with FP&L.

Commissioner Rosen Gonzalez believes that the work was disorganized, and that the utility underground should have happened at the beginning. Works of this type should be done right the first time.

Commissioner Malakoff stated that the homeowners have to agree to have the tax district and payback, otherwise the cost of undergrounding will cost the City tens of millions of dollars.

Peter Luria, former member of the Board of Directors of Sunset Islands 3 & 4, detailed the work that took place on North Bay Road and how work was delayed by not purchasing the FP&L conduits on time, and the project going over budget.

Mr. Martinez clarified that the project's budget cap will not be exceeded. He then explained the long process of purchasing the conduits from FP&L, only for them to renege on the deal at the 11th hour, this was a major factor in the delay.

SUPPLEMENTAL MATERIAL 3: Title Change

~~R7Q A Resolution Authorizing A "License Agreement," Attached Hereto As Exhibit A, Between The City Of Miami Beach ("City") And The State Of Florida Department Of Transportation ("FDOT"), Which Reflects A License Of Use By FDOT Along The Southeasterly Right Of Way Line Of Alton Road (SR 907) And The City's Golf Course ("Licensed Area"), To Be Occupied And Used By FDOT As A Drainage Inlet, And During Construction, Restoration, Sloping, And Grading For The Highway Improvements Along Alton Road.~~

A Discussion Regarding A License Agreement Between The City Of Miami Beach And The Florida Department Of Transportation.

(Public Works)

ACTION: Item withdrawn.

6:09:43 p.m.

ADDENDUM MATERIAL 2

R7R A Resolution Of The Mayor And City Commission Of The City Of Miami Beach, Florida, Creating An Ad Hoc Host Committee For The June 2017 United States Conference Of Mayors Annual Meeting ("Annual Meeting"), To Be Held In Miami Beach, In Order To Raise Funds For The City's Hosting Of The Annual Meeting; Prescribing The Duties, Manner Of Appointment, And The Terms Of Office Of Host Committee Members; Establishing That The City's Hosting Of The Annual Meeting Serves A Public Purpose; Authorizing The Acceptance Of Donations Made To The City For The City's Hosting Of The Annual Meeting; And Authorizing The City Manager, Or His Designee, To Make Such Expenditures And/Or Reimbursements From The Aforestated Donations In Furtherance Of And Consistent With The Hosting Of The Annual Meeting.

(Sponsored by Mayor Philip Levine)

(Legislative Tracking: Office of the City Attorney)

ACTION: Resolution 2016-29276 adopted. Motion by Commissioner Arriola, seconded by Commissioner Malakoff. Voice-vote: 7-0. **Office of the City Attorney and Gloria Baez to handle.**

Raul J. Aguila, City Attorney, introduced the item. The City will be hosting the U.S. Conference of Mayors in 2017. The item placed on the agenda would effectively create an ad hoc host committee and properly raise funds for the required public expenses for the conference. This would also authorize the City Manager to deal with the monies the City has raised for the conference.

Mayor Levine stated that Miami Beach won the honor to host the U.S. Conference of Mayors for the first time. It will be hosted at the Fontainebleau. At this point, it is important to raise the funds necessary for the event.

R9 - New Business and Commission Requests

R9A Board And Committee Appointments.
(Office of the City Clerk)

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

AFFORDABLE HOUSING ADVISORY COMMITTEE:

Sarah Leddick	Term End 12.31.17	Term Limit 12.31.23	Appointed by Commissioner Rosen Gonzalez
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AUDIT COMMITTEE:

Patricia Valderrama	Term End 12.31.17	Term Limit 12.31.23	Appointed by Commissioner Rosen Gonzalez
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BOARD OF ADJUSTMENT

Daniel J. Nagler (General Business)	Term End 12.31.17	Term Limit: 12.31.21	Appointed by City Commission
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BUDGET ADVISORY COMMITTEE:

Joe Landsmann	Term End 12.31.17	Term Limit 12.31.23	Appointed by Commissioner Rosen Gonzalez
Jonathan Beloff	Term End 12.31.17	Term Limit 12.31.23	Appointed by Commissioner Malakoff
Steve Zuckerman	Term End 12.31.16	Term Limit 12.31.23	Appointed by Commissioner Arriola

COMMITTEE FOR QUALITY EDUCATION IN MIAMI BEACH:

Yvette Tache	Term End 12.31.17	Term Limit 12.31.23	Appointed by Commissioner Rosen Gonzalez
Removed due to absences:			
Marina Avilas			
Lior Leser			

COMMITTEE ON THE HOMELESS:

Dr. Lourdes Oroza	Term End 12.31.17	Term Limit 12.31.23	Appointed by Commissioner Rosen Gonzalez
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CONVENTION CENTER ADVISORY COMMITTEE:

Laurence Herrup	Term End 12.31.17	Term Limit 12.31.23	Appointed by Commissioner Malakoff
Elizabeth Resnick	Term End 12.31.17	Term Limit 12.31.20	Reappointed by Commissioner Rosen Gonzalez

DISABILITY ACCESS COMMITTEE:

Roger Abramson	Term End 12.31.17	Term Limit 12.31.23	Appointed by Commissioner Rosen Gonzalez
Nancy Soler-Ramos	Term End 12.31.17	Term Limit 12.31.23	Appointed by Commissioner Alemán
Helen Swartz	Term End 12.31.17	Term Limit 12.31.18	Reappointed by Commissioner Malakoff

HISPANIC AFFAIRS COMMITTEE:

Alex Fernandez	Term End 12.31.17	Term Limit 12.31.21	Reappointed by Commissioner Rosen Gonzalez
Regina Suarez	Term End 12.31.17	Term Limit 12.31.23	Appointed by Commissioner Malakoff
Veronica Camacho-Krieger – Concluded on 12.30.15			

HISTORIC PRESERVATION BOARD:

Jack L. Finglass (Category 3 –At Large residing in historic district)
 Term End 12.31.17 Term Limit: 12.31.21 Appointed by City Commission

Stevan J. Pardo (Category 5 – Architect or Attorney registered in the U.S.)
 Term End 12.31.17 Term Limit: 12.31.21 Appointed by City Commission

LGBT ADVISORY COMMITTEE:

Gayle Durham Term End 12.31.17 Term Limit 12.21.22 Reappointed by Commissioner Grieco

David Lancz Term End 12.31.17 Term Limit 12.31.23 Appointed by Commissioner Rosen Gonzalez

Tony Lima Term End 12.31.16 Term Limit 12.31.23 Appointed by Commissioner Alemán

Nelida Barrios Resigned 12.28.15

MAYOR'S BLUE RIBBON PANEL ON SEA LEVEL RISE:

Scott Robins Term End 12.31.16 Term Limit 12.31.16 Appointed by Mayor Levine

Michael DeFilippi Term End 12.31.16 Term Limit 12.31.16 Appointed by Mayor Levine

Wyn Bradley Term End 12.31.16 Term Limit 12.31.16 Appointed by Mayor Levine

MARINE AND WATERFRONT PROTECTION COMMITTEE:

Joe Aberbach Term End 12.31.16 Term Limit 12.31.23 Appointed by Commissioner Arriola

Sasha Boulanger Term End 12.31.16 Term Limit 12.31.18 Reappointed by Commissioner Alemán

Robert Rabinowitz Term End 12.31.17 Term Limit 12.31.23 Appointed by Commissioner Rosen Gonzalez

Marie Manon Hernandez Term End 12.31.17 Term Limit 12.31.22 Reappointed by Commissioner Rosen Gonzalez

Dr. Ronald Shane Term End 12.31.17 Term Limit 12.31.21 Reappointed by Commissioner Malakoff

MAYOR'S BLUE RIBBON PANEL ON SEA RISE:

Wyn Bradley Term End 01.06.17 Term Limit 01.06.17 Appointed by Mayor Levine

Michael De Filippi Term End 01.06.17 Term Limit 01.06.17 Appointed by Mayor Levine

Scott Robins Term End 01.06.17 Term Limit 01.06.17 Appointed by Mayor Levine

MAYOR'S NORTH BEACH MASTER PLAN STEERING COMMITTEE:

Kirk Paskal Term End 12.31.16 Term Limit 12.31.16 Appointed by Mayor Levine

Brad Bonessi Term End 12.31.16 Term Limit 12.31.16 Appointed by Mayor Levine

MIAMI BEACH COMMISSION FOR WOMEN:

Mercedes Carlson Term End 12.31.16 Term Limit 12.31.18 Reappointed by Commissioner Grieco

Dr. Loretta Ciraldo Term End 12.31.17 Term Limit 12.31.23 Appointed by Commissioner Rosen Gonzalez

Lizette Lopez Term End 12.31.17 Term Limit 12.31.23 Appointed by Commissioner Steinberg

Tiffany Lapciuc Term End 12.31.17 Term Limit 12.31.23 Appointed by Commissioner Rosen Gonzalez

Nancy Bernstein Resigned 1.5.17

MIAMI BEACH HUMAN RIGHTS COMMITTEE

Ivan Cano Term End 12.31.17 Term Limit 12.31.19 Reappointed by City Commission.

Bradley A. Ugent Term End: 12.31.17 Term Limit 12:31.18 Reappointed by City Commission.

William H. Warren Term End: 12.31.17 Term Limit 12:31.19 Reappointed by City Commission

Alan B. Fishman **TL** Term End: 12.31.16 Term Limit 12:31.16 Reappointed by City Commission

Jarred L. Reiling Term End: 12.31.17 Term Limit 12:31.21 Appointed by City Commission

PARKS AND RECREATIONAL FACILITIES BOARD:

Jenifer Caplan (Golf) Term End 12.31.17 Term Limit 12.31.19 Reappointed by City Commission

Robert Gonzalez Term End 12.31.16 Term Limit 12.31.23 Appointed by Commissioner Arriola

Elaine Soffer-Seigel Term End 12.31.17 Term Limit 12.31.23 Appointed by Commissioner Rosen Gonzalez

Will Martinez (Golf) Term End 12.31.16 Term Limit 12.31.21 Appointed by City Commission

Lee Zimmerman Term End 12.31.16 Term Limit 12.31.21 Reappointed by Commissioner Malakoff

Removed due to absences:
 Ronald Krongold

LGBT ADVISORY COMMITTEE:

Dale Stine	Term End 12.31.16	Term Limit 12.31.17	Reappointed by Commissioner Malakoff
Tony Lima	Term End 12.31.17	Term Limit 12.31.23	Appointed by Commissioner Alemán

POLICE/CITIZENS RELATIONS COMMITTEE:

Jack Beneviste	Term End 12.31.17	Term Limit 12.31.23	Appointed by Commissioner Malakoff
Steve Berke	Term End 12.31.17	Term Limit 12.31.23	Appointed by Commissioner Rosen Gonzalez
Richard Hull	Term End 12.31.16	Term Limit 12.31.23	Reappointed by Commissioner Alemán
Steve Oppenheimer	Term End 12.31.17	Term Limit 12.31.17	Reappointed by Commissioner Alemán

PRODUCTION INDUSTRY COMMITTEE:

Tom Musca	Term End 12.31.17	Term Limit 12.31.23	Appointed by Commissioner Rosen Gonzalez
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SUSTAINABILITY COMMITTEE:

Nancy Bernstein	Term End 12.31.17	Term Limit 12.31.23	Appointed by Mayor Levine
Michael DeFilippi	Term End 12.31.16	Term Limit 12.31.21	Reappointed by Commissioner Arriola
Richard Conlin	Term End 12.31.17	Term Limit 12.31.23	Appointed by Commissioner Rosen Gonzalez

TRANSPORTATION, PARKING, BICYCLE-PEDESTRIAN FACILITIES COMMITTEE:

Ray Breslin	Term End 12.31.17	Term Limit 12.31.21	Reappointed by Commissioner Malakoff
JP Morgan	Term End 12.31.17	Term Limit 12.31.23	Appointed by Commissioner Rosen Gonzalez

NON-CITY COMMISSION COMMITTEES:**Miami-Dade County League of Cities**

Commissioner Micky Steinberg	Appointed by Mayor Levine as City's Representative
Commissioner Kristen Rosen Gonzalez	Appointed by Mayor Levine as Alternate

Miami-Dade County Homeless Trust

Commissioner Joy Malakoff	Appointed by Mayor Levine as City's Representative
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6:09:30 p.m.

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

ACTION: The following At-Large appointments reappointments were made:

Motion made to appoint and reappoint the following members by acclamation

BOARD OF ADJUSTMENT

- Daniel J. Nagler appointed (General Business category) by acclamation.

HISTORIC PRESERVATION BOARD:

- Jack L. Finglass appointed (Category 3 – At Large member who has resided in one of the City's historic districts for at least 1-year, and has demonstrated interest/knowledge in architectural or urban design and the preservation of historic buildings) by acclamation.
- Stevan J. Pardo appointed (Category 5 – One architect registered in the United States, a landscape architect registered in the State of Florida, a professional practicing in the field of architectural or urban design or urban planning, each of the foregoing with practical experience in the rehabilitation of historic structures; or an attorney at law licensed to practice in the United States, or an engineer licensed in the State of Florida, each of the foregoing with professional experience and demonstrated interest in historic preservation) by acclamation. **Clerk's Note:** Mr. Pardo is an attorney.

MIAMI BEACH HUMAN RIGHTS COMMITTEE

- Ivan Cano reappointed by acclamation.
- Bradley A. Ugent reappointed by acclamation.
- William H. Warren reappointed by acclamation.
- Alan B. Fishman reappointed (Attorney licensed in Florida category) by acclamation.
- Jarred L. Reiling appointed by acclamation.

PARKS AND RECREATIONAL FACILITIES BOARD

- Jenifer Caplan reappointed (Golf Category) by acclamation.
- Will Martinez appointed (Golf Category) by acclamation.
Clerk's Note: City Clerk Rafael E. Granado announced Vice-Mayor Alemán had nominated Mr. Martinez's after the printing of Release # 3; and his application and resume had not been distributed. Motion by Mayor Levine to appoint Mr. Martinez to the Parks and Recreation Facilities Board (Golf Category). Motion accepted by acclamation.

8:34:07 a.m.

R9B1 Dr. Stanley Sutnick Citizen's Forum.

1. Stewart Turner, spoke about Feinberg Fisher Elementary School. Students and parents from Miami-Dade County are here to speak about issues faced by Feinberg Fisher. He stated that Feinberg is the largest K-8 Center and the only school that houses daycare, high school completion classes and a medical clinic. Children face disadvantages; 86% of students get free lunch and out of 86%, 90% do not get any more meals that day. Some families live in shelters. The school is the only center in Miami Beach that educates disabled children. They have the best teachers and administrators who refuse to let the school down.

A group of students spoke regarding the lack of playground or gym at the school, the auditorium is condemned and there are no plans for repair and bathrooms are in disarray. They stated that the windows are boarded up

Mr. Turner added that afternoon activities are needed for students, as well as outside intervention and money to protect children. He added that community partners and teams can help revitalize Feinberg Fisher. In four years the school will turn 100 years old, and he hopes that they can meet with the City Commission in the future for the betterment of the children.

Commissioner Grieco thanked everyone for speaking out. There is a company called KaBoom! that goes around the country building playgrounds. He promised that they will do everything in their power to improve the current condition.

Commissioner Rosen Gonzalez stated that she met with Dr. Karp and they are bringing it to their School Board agenda.

Mr. Turner added that we need to save our youth now, and help them get into college. They want to create a positive outlook for the children.

Vice-Mayor Alemán suggested having a tour of the facility. **Cilia Maria Ruiz Paz to handle.**

2. Peter Russin, speaking on Single Family residences, lives in Miami Beach. He stated that the City has a silent majority that does not understand the impact of this legislation. The City needs to make the appropriate decisions and educate the residents that are affected. He asked that they consider 1) that regulations be reduced by an additional 5-45%; it is a further 10% reduction on top of the prior 28% reduction, and that is a significant amount of potential value that property owners have to give up. They need to give a chance to see what it is built in less than two years. In addition, it is important to consider what the ultimate goal is. Please consider the long-term impact on property owners that should come first.
3. Eric Greenwald, resident of the City since 2001, spoke against the development regulations, as they go too far. They substantially reduced the lot coverage; they would reduce property value and make it difficult to sell old homes. He is opposed to this legislation. If changes are made without evidence that they were necessary, single-family homeowners would not forgive those who bring these changes. Stand up for single-family homeowners and vote no.
4. Helene O'Brien, Director of Florida Service International Union Local 32BJ, resenting Security Officers in Miami Beach and requesting to exclude Kent Security from the RFP on item R7H. She enumerated her reasons to speak against Kent Security, including poor treatment of employees.
5. Lyle Stern opposed to the down zoning of private property rights in Miami Beach. This is unwarranted at this time and suggested not moving forward with this at this time.
6. Tory, Security Guard for the City of Miami Beach, he has been working here for over five years, and opposes awarding the contract to Kent Security. He stated that he has over 90 signatures of guards opposing bringing in Kent Security. He highlighted the poor treatment of employees by Kent.

Commissioner Arriola asked what issue he had with Kent Security

Tory stated that he does not want to work for a company that abuses its employees.

7. Camellia, Miami Beach Security Guard, suggested to continue working with the current company and opposes Kent Security.
8. Michelle Hausman, Artistic Director of Miami New Drama, stated that theater creates better communities, and on Saturday, he invited the City Commission to attend. There is an item on the agenda, C7H, to waive rent for the Colony Theatre that they are renting for over a month. He is thankful for the City Commission for their help.

Commissioner Malakoff stated that it is a pleasure to have a theatre here.

9. Carlos Ramos, South Florida AFL-CIO, representing security officers; security officers are here to protect the public. As elected officials, it is the City's responsibility to select a company that is good to its employees. They opposed awarding the contract to Kent Security.
10. Tom Richardson spoke regarding Allison Park and Wellness Center. They are following the issue and have seen the people that want to develop the beachfront park. They hope that Allison Park is not on the table for a site for a super development.

11. Ralph Choeff stated that when raising flood level by three feet, the additional area will allow for draining, and they will out scale any residence that exists; scale should not be a factor. Homeowners will not be able to get insurance. People are filing for scale and landscape of Miami Beach. This City Commission changed the Ordinance just less than two years ago, and not enough time has passed to see the impact. New homes would look identical from 25 to 35%.
12. Dalia McDonald, Save Allison Park, reminded the City Commission that moderate progressive cities do not destroy parks. She asked the Commission to keep this in mind. Their movement is growing and they are getting stronger. The Jackson Rehabilitation Center has broken ground, and that would have incredible research facility. In light of this development, some of the premise is in need of reevaluating.
13. Bruce Bachman read statement into the record regarding item C4H. Do not increase the scale of buildings. We cannot handle the density increase.
14. Bradley Colmer spoke on neighborhood program. Not proposing an increase in density, just height. They want to continue Neighborhood outreach.
15. Schlome Benschmul is opposed to changes to single-family residence. He gave a brief history as to buying his family's home in Miami Beach, and the need of additional space. If new regulations pass, he would not be able to build his family's dream house. No one he has spoken to agrees with the proposed changes. He stated that the Commission should vote no on this proposed Ordinance.
16. Andrew Morrow, Sunset Island No. 3, is a proponent of small development, and stated that this proposed Ordinance will reduce the value of every single-family lot in Miami Beach.
17. Mark Levin, Miami Beach Homeowner stated that homes are out of scale. He is afraid of a concrete box being built next to his home. People are very unhappy. He and his family may leave Miami Beach if this continued.

Handouts and Reference Materials:

1. Feinberg Fisher K-8 Center pamphlet.

1:11:20 p.m.

R9B2 Dr. Stanley Sutnick Citizen's Forum. (1:00 p.m.)

1. Laurie Baucham spoke regarding Art Deco Weekend, and presented an Art Deco poster to the City Commission.
2. Ruth Nieves wants to insist on the extension of the transportation of the trolley. Before electric transportation, she would appreciate the service of trolleys from North Beach to South Beach. They need help with emergency transportation.

City Manager Morales stated that the North Beach trolley is in circulation and in June 2016, there will be a Mid-Beach trolley along with a connector to connect the North Beach to Mid Beach and the Collins Park neighborhood. They are working diligently on that.

Commissioner Arriola explained that the project is months away.

Discussion held.

3. Stanley Shapiro stated that it has been 40 years since he has been in Miami Beach. The average age of Miami Beach is getting younger. He Commended Vice-Mayor Alemán for her help with the issue with the Fire Department. He commended everyone on the dais. Being a member of the City Commission is a full-time job. He expects great things from Mr. Arriola. He asked them to avoid what happened in the last City Commission with lack of transparency. He thanked David Wallach and Tony Goldman.
4. Steve Cohen stated that five years ago he was a member of the PAL and exposed wrongdoing in that organization. He is here today as the one who crusaded against PAL to tell them that they needed the support of the City Commission. The PAL had broad community support and a 25-year agreement expiring in 2023. He sees the PAL being pushed into a ten-year agreement, as it is the maximum agreement the City can do. He gave a brief background of his ties to the PAL since childhood, and his concern with the 10-year lease is that this City Commission will be termed out; the City Attorney and City Manager will not be here. They need a recommendation from the Office of the City Attorney and Administration to renew the agreement for another 25 years.

Commissioner Malakoff stated that leases longer than ten years have to go to a referendum.

Discussion held.

Jimmy L. Morales, City Manager, asked the City Attorney if the Boys & Girls Club agreement is a ten-year agreement.

Mr. Aguila explained that it is a management agreement and at the end of the management agreement term, it will become the City's facility. He explained that PAL is a lease, and at the end it becomes a City owned building, but if the City wanted to extend the lease, it may trigger a referendum because the building is located in a park.

Discussion continued regarding lease extension.

Mr. Cohen asked if the current lease can be extended to 2023 and then do a ten-year lease.

Mr. Aguila stated that it would still trigger a referendum.

5. Marie Grande stated that the Haas Racquetball building at Flamingo Park should not be demolished.
6. Ken Beresky stated that the City is not bicycle and pedestrian friendly. A video was shown where a bike rider was hit from behind by a vehicle.

Mayor Levine stated that they are working on a bike plan.

City Manager Morales stated that the City is doing an investigation on this incident.

7. Steve Horwitz stated that he wants the Haas Racquetball Court to be preserved.

Handouts or Reference Materials:

1. Letter from Jüergen Brendell, Venetian Island Homeowners Association, dated January 11, 2016.

2:55:59 p.m.

R9C Miami Beach Convention Center Quarterly Construction Project Update.
(Office of the City Manager)

ACTION: Discussion held. By acclamation, the Commission agreed to receive quarterly oral updates regarding the Miami Beach Convention Center Construction project during the Commission meetings of April, July and December. Monthly written updates will be transmitted via the LTC that is referenced in the Report and Information Items section of the Commission Agenda. **Maria Hernandez to handle.**

Maria Hernandez, Capital Projects Director, MBCC, gave an update on the project. Ms. Hernandez recapped that the groundbreaking had occurred and that the bonds had closed in December. Ms. Hernandez explained that the City, Clark and Spectrum are coordinating to ensure shows continue as the construction is underway. On January 21, the City's team will start a more intense coordination with Art Basel. The Commission memo highlights the status of where they are.

Ms. Hernandez handed out the project dashboard, and explained it. The City has spent \$13.5 million in construction costs by December 31, 2015. The way that money has been spent is on the Key Activities, section of the Commission Memo. The Site has been secured by a temporary fence. There is a decorative scrim that we are designing now that we will be installed. It will be beautiful. The interior temporary wall between the construction areas and the open areas for events is complete. The work continues to separate utilities and mechanical systems to keep the event area open for programming. Work also continues on the new fire command center. The demolition began on the north loading dock, the 21st Street Community Center is almost gone, and in the east lobby, we started our auger testing in the loading dock area. We boarded the steel and the owner trailers are on-site waiting to be hooked up. Clark's trailers will arrive later in the month of February. Therefore, we have owner costs of about \$24.5 million that have been utilized. All of these funds have been spent over the last two years to get us to where we are today. The big thing that happened under our soft cost is that we had a significant savings in the project insurance that resulted in a savings of about \$5 million, which is going back into the owners contingencies so we there is about \$40 million in owner's contingency. Finally, staff is requesting that the Commission agree to allow them to perform quarterly updates to the City Commission, like today. In April, if we do the next one, it is a little more involved when there is a great deal more going on. The Administration will schedule one-on-one briefings with the Commissioners before that. Updates are going to focus on two things: 1) Schedule and 2) budget. They oral Commission briefings would happen in April, July, and December, or on an as needed basis if the Commission wants a more detailed briefing. The Administration is also going to provide monthly updates in an LTC format. They are going to put those in the back of the agenda along with the other project updates from the other departments. By the way, this has been agreed to by the County.

By acclamation, the Commission agreed to receive quarterly oral updates regarding the Miami Beach Convention Center Construction project during the Commission meetings of April, July and December. Monthly written updates will be transmitted via the LTC that is referenced in the Report and Information Items section of the Commission Agenda.

Handouts or Reference Materials:

1. Convention Center Renovation & Expansion Project Dashboard, dated January 2016, Exhibit A.

9:58:13 a.m.

SUPPLEMENTAL MATERIAL 3: Memorandum & Final Report

R9D Presentation Of Mayor's Ocean Drive Task Force's Final Report.
(Sponsored by Mayor Philip Levine)

ACTION: Discussion held. Commissioner Grieco moved to refer the item to the Land Use and Development Committee (LUDC) Meeting of January 20, 2016 at 3:00 p.m.; hold additional special LUDC meetings if necessary, with the caveat that they agree to bring the item back to the March 9 2016 Commission Agenda; seconded by Vice-Mayor Alemán. Voice vote: 7-0. **Thomas Mooney to place on the Committee agenda. Susanne M. Torriente to handle.**

RECOMMENDATIONS:

1. Implement by November 2016
2. Additional Police and Code Compliance Resources
3. Premium Ocean Drive parking for non-resident
4. Eliminate the Tunnel, as it is unsafe and blocks lights
5. Extension of west sidewalk, not to exceed 5-feet
6. Move all café operations adjacent to buildings / create a pedestrian zone
7. Differentiate color paver to promote clear pathways and business zones
8. Uniform lighting
9. Seasonal lighting for turtles and tourists
10. City specific low profile umbrellas from 5th to 15th Streets
11. Umbrellas and awnings of pastel colors
12. Planning Department oversight of umbrellas and awnings
13. Planning Department oversight of café permitting
14. Lummus Park – reexamine how to preserve, enhance and activate it
15. Arts and Craft shows
16. Sculpture Installations
17. Activate Ocean Drive west of the dunes
18. Periodic vehicular closures of Ocean Drive
19. Noise mitigation
20. Licensing procedures and hours for bus tours
21. Automobile noise restrictions
22. Do not advocate eliminating east facing music
23. Clean up
24. Install modern information electronic signs – unify the presentation
25. Hold operators accountable
26. Contact for City Management of Ocean Drive upgrades
27. Special Taxing District oversight

Mayor Levine introduced the item and thanked Jonathan Plutzik and the entire committee for a wonderful job. The idea is to move forward and review the recommendations.

Jonathan Plutzik, Chair, Mayor's Ocean Drive Task Force, explained that the work done and recommendations were unanimous. He recognized the different departments and staff, including Jeff Oris and Nick Kallergis, who supported them in their effort.

[PowerPoint](#) presentation shown.

Mayor Levine recognized Frank Amadeo, Jonathan Bennett, Steven Boucher, Jeff Feldman, Joyce Garret, Mitch Novick, Reagan Pace and Alex Tonarelli. He suggested that this item be referred to LUDC and added that there will be no public comment on this. At LUDC, public opinion will be heard.

Commissioner Malakoff welcomed the members and added that she will work to help the City with Ocean Drive.

Commissioner Grieco moved the item to LUDC on January 20, 2016 at 3:00 p.m.; hold additional special LUDC meetings if necessary, with the caveat that they agree to bring the item back to the March 9 2016 Commission Agenda; seconded by Vice-Mayor Alemán.

Discussion held.

Commissioner Rosen Gonzalez stated that Jonathan tackled this with so much effort and thanked the entire Committee.

Commissioner Arriola thanked the Task Force members.

Handouts and Reference Materials:

1. Email from Frank Del Vecchio fdelvecchio@atlanticbb.net dated January 11, 2016 RE: What to Do About Ocean Drive?
2. PowerPoint printout dated January 13, 2016 Report to Mayor and City Commission from the Mayor's Ocean Drive Task Force.

6:12:50 p.m.

R9E Discussion Regarding The Possible Addition Of A Skate Park In North Shore Open Space Park.
(Sponsored by Commissioner Ricky Arriola)

ACTION: Discussion held. There was consensus to move forward with the Skate Park and refer to Neighborhood/Community Affairs Committee to discuss requirements to help guide the City Commission to the best location; moved by acclamation. **Daphne Saba to place on the Committee agenda. Jeff Oris to handle.**

REFERRAL:

Neighborhood/Community Affairs Committee

TO DO:

- North Beach Master Planner to identify possible location in North Beach for a Skate Park.
- John Rebar to clarify the requirements for a Skate Park.

John Rebar, Parks Department Director, explained the item.

Commissioner Malakoff inquired if a passive park can have a Skate Park. Mr. Rebar responded that as long as there are no deed restrictions that prohibit it, it would be possible.

Vice-Mayor Alemán stated that she would like to see if it is possible to clarify the requirements for a Skate Park and have staff come back with a set of possible options, and match each site and make the selection.

Discussion held.

Commissioner Malakoff has been to the Skate Park in Santa Monica, and it is not a combination of bikes and skates; she does not think these two sports should be together.

City Manager Morales suggested looking at all sites and figure out what makes the most sense there.

Commissioner Grieco suggested referring this item to NCAC.

Commissioner Rosen Gonzalez asked if Pine Tree Park could be used as a Skate Park

R9F Presentation By The New World Symphony On Their Partnership With The Harvard Graduate School of Design (GSD) Entitled "Boutique City" And An Update On The City's Partnership With The GSD For A Two-Year Design Studio To Study The Impacts and Potential Responses to Sea Level Rise In Miami Beach.

(Office of the City Manager)

ACTION: Item withdrawn.

6:21:20 p.m.

SUPPLEMENTAL MATERIAL 4: Additional Information

R9G Update Regarding 2016 Early Voting Location At Miami Beach City Hall.

(Office of the City Clerk)

ACTION: Update given. Motion made by Commissioner Malakoff to approve Option 1; seconded by Commissioner Steinberg; Voice vote: 6-1; Opposed: Commissioner Grieco. **Rafael E. Granado to handle.**

Rafael E. Granado, City Clerk, stated that handouts were distributed to Mayor Levine and City Commissioners. He explained that at the December 16, 2016 Commission Meeting, direction was given to maintain the Early Voting locations for 2016 at City Hall, and the Miami-Dade Elections Department wanted to move the location to the Miami Beach Regional Library. The Office of the City Clerk has looked at three possible options:

Option No. 1:

First Floor Conference Room

- ✓ Level stairs inside
- ✓ Install Carpet
- ✓ Install AC tent in breezeway area
- ✓ Cost \$47,000 for March - \$8,900 for August and \$8,900 in November for a total of \$65,000.
- ✓ Total space after work is complete is 2,395 square feet

Option No. 2:

Short-Term Parking Lot area was discarded as proposed due to:

- ✓ Public Works was not in agreement with this option
- ✓ Inability to place a tent inside

Option No. 3:

Seventh Floor Parking Garage was the option preferred

- ✓ Bring in portable bathrooms
- ✓ Install AC tent in parking area
- ✓ Cost \$23,500 for March 5 - \$23,800 for August 30 and \$24,500 in November 8 for a total of \$71,718.

City Clerk Granado explained that the proposals have been given to Miami-Dade Elections Department and they still prefer Miami Beach Regional Library for a location; however, after reviewing the options given, they are concerned with option three due to electrical issues. Out of the three, they would prefer Option 1.

Commissioner Grieco stated that historically the City does not spend money to hold the elections and asked if the City usually spends money to this extent to hold the elections.

City Clerk Granado explained that the problem is that this is a Presidential Election, and the Miami-Dade Elections Department wants to keep the lines less than an hour; they want to have the same location for the three elections coming up in 2016, in March, August and November, for voters to get used to it. The Election Departments opines that the First Floor Conference Room is unacceptable because it is too small. They want to use the Library, which would be their ideal place as far as size.

Commissioner Grieco stated that the elections have always been held in the First Floor Conference Room, and asked what has changed and why the City is spending money. He wants to find out why the City has to spend money and leveling floors.

City Clerk Granado explained that because of the steps, the Elections Department cannot place the privacy booth in that room and in as many locations as they want to keep the lines less than an hour. The Elections Department's position is that they are giving the City a viable location (the Library), and the City is requesting the relocation, so they are refusing to reimburse us.

Discussion held regarding spending funds and lack of parking at the Library.

Commissioner Grieco stated that at the Library no one can park; that location is viable for the Elections operation; he read an article about how the rest of the world is voting online and here we are using a tent. He is failing to understand how the County tells the City what we need to spend.

Clerk Granado informed that the Elections Department has received a directive from the Governor to keep the lines for less than an hour. He stated that ultimately it is the Elections Department's decision.

Commissioner Steinberg stated that the more opportunities there are to make it easier for voters that come to vote is a good thing, and this is an important thing.

City Clerk Granado explained that with Option 1 the room will be usable even after elections are concluded, and the City gets something in return. He added that moneys will be allocated from the Election budget.

Handouts and Reference Materials:

1. Email from Rafael Granado to Christina White dated January 12, 2016 RE: Commission Memo EV Location Options.

6:27:15 p.m.

R9H Discussion Regarding "Welcome To Miami Beach" Sign On The MacArthur Causeway.
(Sponsored by Mayor Philip Levine)

ACTION: Discussion held. Commissioner Steinberg suggested referring the item to the Finance and Citywide Projects Committee and bring back next month. Lilia Cardillo to place on the February 10, 2016 Commission Agenda if received. **Anthony Kanewski to handle.**

REFERRAL:

Finance and Citywide Projects Committee
Bring back to the City Commission in February

Commissioner Malakoff stated that the City needs a very "Miami Beach/South Beach" welcome sign, and beautification of the overpass. They have had two different proposals that were in the millions of dollars; she suggested painting it, landscaping the bottom and adding lighting.

City Manager Morales explained that they are waiting for the Alton Road Plaza to finish and now after the holidays they will expedite.

Commissioner Grieco proposed doing a competition with high school kids regarding the design of the sign.

Mayor Levine stated that the City needs a sign that is iconic and impressive, that is Art Deco and spectacular; this is about branding the City itself at its main entrance.

Commissioner Arriola stated that they hired Alan Shulman and Associates to design some iconic signage for North Beach and he came up with beautiful signs, and he suggested hiring an architect that does this and make it iconic.

Mayor Levine added that this will be seen by everyone coming into Miami Beach.

Discussion continued regarding funding and how to proceed.

Commissioner Arriola suggested putting out an RFP.

Commissioner Malakoff asked about the overpass.

Discussion continued.

Eric Carpenter, Assistant City Manager and Public Works Director, stated that they spoke to FDOT for painting options, and the direction was to paint it white and add landscaping and up lighting on it.

Bruce Mowry, City Engineer, suggested finding money to paint the bridge.

Discussion continued regarding up lighting.

Commissioner Steinberg suggested referring the item to the Finance and Citywide Projects Committee and bringing back next month.

Commissioner Rosen Gonzalez added that homeless sleep under the overpass and suggested placing planters instead.

6:32:45 p.m.

R9I Discussion Regarding Extending Boardwalk From 5th Street To 1st Street.
(Sponsored by Mayor Philip Levine)

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

Elizabeth Wheaton, Building Department Assistant Director, introduced the item. She explained that they are in the process of getting it designed and permitted. They anticipate receiving the permit by the end of March or April 2016, if all goes well, and are awaiting confirmation from FDOT regarding funds to be allocated by July 2016 (\$850,000) towards the construction.

Commissioner Grieco asked Ms. Wheaton to give an explanation as to why this site has taken so long to complete.

Ms. Wheaton explained that the original project extended from South Pointe Drive to 5th Street. When going through the design process, they designed the entire section; however, the ideal location for that pathway is in the western side of the dunes, so they needed to obtain easements from the upland properties. All the properties south of the park at 3rd Street provided easements, but they were not able to obtain them from the properties north of the park. There was a decision made at that time to split the project into two phases, to continue to try to secure those easements but were not able to do so. They approached the State and asked if they could build a pathway on State land. The path has now shifted into the dunes system and that increases the permitting.

6:35:00 p.m.

R9J Discussion Regarding Motorcycle/Scooter Discounted Hourly Parking Rates.
(Sponsored by Mayor Levine)
(Legislative Tracking: Parking)

ACTION: Discussion held. **Saul Frances to handle.**

Saul Frances, Parking Department Director, introduced the item. He explained that currently there is a meter discounted rate of \$1 an hour for residents, and they can potentially designate approximately 600 motorcycle spaces throughout the City through Park Mobile provided that discounted rates for motorcycles and scooters at those designated spaces. One of the caveats is that the rates would have to be consistent throughout the City at all scooter/motorcycle spaces.

Discussion held regarding scooter spots.

Commissioner Steinberg asked how the spot is differentiated for scooter or motorcycle space. Parking Director Frances explained that each will have the zone assigned to it. When someone parks in either one space using the Park Mobile App, they enter the zone number and that identifies it with the discounted rate.

Discussion continued regarding rates.

Commissioner Steinberg is concerned with taking away parking spaces from vehicles for scooters, and there is no penalty for them to use either spot.

Vice-Mayor Alemán added that residents use scooters to basically reserve a public parking spot or their own personal parking spot, and they need to figure out a way to resolve that.

Saul Frances, Parking Department Director, stated that they are working with the Office of the City Attorney to find solutions.

Discussion continued.

Aleksandr Boksner, First Assistant City Attorney, explained that he has discussed with Director Frances issues regarding the ability to designate certain spaces as motor vehicles parking spaces; however, there are certain limitations that apply to State law. They will be addressing that more in-depth to find a manageable solution that will be palatable for the City Commission and the citizens. The City is limited due to State law and what State law defines as such, and the City's ability to provide proper legal notice if violations are to be issued.

Discussion continued regarding scooter parking illegally.

Mr. Boksner explained that having both the scooter and vehicle in one spot is illegal, and that is subject to enforcement by the Parking Department. Based upon the definition of State law, this is a good way of attacking those parking illegally, but would not apply to motorcycles; as it is deemed a motor vehicle under State law. Signage requirement is a legal component for enforcement action, and that will be a policy determination that they will be presenting hopefully by March.

Parking Director Frances explained that regarding the issue in North Beach, those are not metered spaces, the issue at hand with the discounted rate, they currently have that if they have a scooter/motorcycle registered and if they are residents. The discounted rate is obtained by using the Park Mobile if they are residents at \$1 an hour.

Mayor Levine asked if they want to open it up to scooters in general. There was no consensus.

Discussion continued.

4:45:18 p.m.

R9K Discussion Regarding LTC 485-2015, Resolution Approved By The Committee On The Homeless, Offering Recommendations To Augment The City's Efforts To Address Homelessness Within Our Community.

(Sponsored by Vice-Mayor John Elizabeth Alemán)

ACTION: Discussion held. **Resolution 2016-29277 adopted.** Motion made by Commissioner Malakoff; seconded by Commissioner Steinberg to accept the Committee's recommendations and move forward. Voice-vote: 7-0. Lilia Cardillo to place proposed Ordinance changing the configuration of the Committee on the Homeless to include a Police Officer on the [February 10, 2016](#) Commission Agenda if received. **Office of the City Attorney to handle.**

RECOMMENDATIONS:

- ✓ Resolution to be drafted after the fact
- ✓ Move forward with the marketing concept targeting Hotel Associations
- ✓ Add a Police Officer to serve in the Committee Office of the City Attorney to draft Ordinance for first reading on February 10, 2016.

Daniel Nagler, Committee for the Homeless Chair, explained that on December 16, 2015 the Committee passed a Resolution and Committee members are here to present their recommendations, which include a five-point plan with a goal to decrease the homeless population and adding incentives for them to accept services offered. Mr. Nagler recognized Valerie Navarrete,

Gail Harris, Debra Schwartz, Freddy Funes, Jonathan Kroner, Calvin Kohli and City Liaison Maria Ruiz. He explained briefly the educational process that included data from the Outreach team in order to make the recommendations. They also visited some shelters, specifically the Miami Rescue Mission among others. The City is spending a great deal of money on continuum care and addressing the needs of this population. They want to be as efficient as possible in doing this. He encouraged the City Commission to approve the Committee's resolution.

A [PowerPoint](#) presentation was shown.

Maria Ruiz, Housing and Community Services Director, stated that they will be using Federal dollars to place homeless individuals in shelters, and to employ persons to engage the homeless individuals on the streets and ensure that they remain in the shelters and/or accept services. This will compliment what the City has been doing for the last decade, including job opportunities for the homeless.

Commissioner Malakoff stated that on behalf of the City she will take the PowerPoint presentation to the Homeless Trust during her first meeting.

Vice-Mayor Alemán believes the City has the best team and great services, and educating residents about the great job we do and what is available, making sure they know the number to call if they have a concern; or they see something and they want to alert the City to something regarding homelessness, but suggested going softer on the tourist side until they are more experienced crafting the message, because they do not want to send the message that tourists should be alarmed about homelessness. She suggested editing that and accepting the recommendations in the Committee's resolution, except targeting tourists.

Valerie Navarrete explained that the members added tourists because they have many homeless, but during the day, the numbers go up even more. She agreed that they should do something tasteful and soft, but it needs to be done.

Commissioner Malakoff suggested designing a creative campaign.

Mayor Levine asked if possibly, the City could work with the Hotel Associations in the rooms and market the campaign to give \$1 to help the homeless of Miami Beach, but not give money to them in the streets. This would become a positive overall and innovative.

Discussion continued regarding Trespassing signage.

Commissioner Steinberg suggested coming back with specifics, but moving forward with the concept.

Handouts or Reference Materials:

1. PowerPoint titled "Strategic Actions to Address Homelessness in Miami Beach," presented by the Committee on the Homeless.

6:41:41 p.m.

R9L Discussion Regarding North Beach Senior Center/HVAC-Related Matters.
(Sponsored by Commissioner Kristen Rosen Gonzalez)
(Legislative Tracking: Office of the City Attorney)

ACTION: Discussion held. Motion made by Commissioner Arriola to identify funding source (\$200,000 to \$250,000) and initiate repairs of the HVAC; seconded by Commissioner Rosen Gonzalez; Voice vote: 7-0. **Office of the City Attorney to handle.**

Commissioner Rosen Gonzalez asked if they can repair the HVAC system for seniors at the North Beach Senior Center.

Raul J. Aguila, City Attorney, stated that they have filed a construction defect claim with the contractor; a demand letter, and if this situation becomes contentious, litigation may take some time. In the interim, because summer is approaching and the facility is a City owned building, ultimately the City has the responsibility for capital repairs of items. What happened is that the useful life of the HVAC system has been severely shortened, due to a construction defect; in the meantime, Commissioner Rosen Gonzalez would like to identify funding sources that would authorize the City to repair the system before the summer.

Discussion held.

David Martinez, CIP Director, stated that the cost is about \$250,000, and they would be approaching through the NJPA program to repair quickly.

Discussion continued regarding maintenance responsibility.

Mr. Aguila thinks they may be looking at a construction defect. The HVAC should not be failing at this point, and the useful life has been shortened.

Discussion held.

R9M Discussion Regarding Letter From Florida Department Of Transportation (FDOT), In Reference To A Memorandum Of Understanding (MOU) Between The City Of Miami Beach, The City Of Miami, Miami-Dade County And FDOT For The Beach Corridor Direct Connection Project, And Our Directive As A Commission To Agree To An Unsolicited Bid Process.
(Sponsored by Commissioner Kristen Rosen Gonzalez)

ACTION: Item withdrawn.

1. Email from Kristen Rosen Gonzalez kmrosen@yahoo.com dated January 12, 2016 RE: Pull R9M and R9T from agenda.

6:45:29 p.m.

R9N Discussion Regarding Permit Requirements For Small Photography Sessions In Public Space.
(Sponsored by Commissioner Michael Grieco)

ACTION: Discussion held. Commissioner Grieco gave direction to bring back to the next meeting, February 10, 2016 **Max Sklar to handle.**

Commissioner Grieco introduced the item regarding permit and liability insurance for small photo shoots. Professional photographers taking pictures in Miami Beach without a crew or production, have to get a permit and show liability insurance. He has had two people call him about this issue, and would like to see what can be done to clear it up.

Max Sklar, Tourism, Culture & Entertainment Department Director, stated that he would have to go through the City Code and see if it requires a Code amendment, or if it is a matter of interpretation.

Commissioner Grieco gave the example of bicycle tours or workout teams in the City Parks, who do not need to show liability, yet they are engaged in activities that could result in someone getting hurt.

Discussion continued.

Commissioner Steinberg requested to see the language in the City Code before voting. There may be a reason why this was done in this manner.

Commissioner Grieco gave direction to come back next meeting on February 10, 2016, and pass a resolution.

6:48:44 p.m.

R9O Discussion Regarding, Where "Hoverboard" Use Is Legal.
(Sponsored by Commissioner Michael Grieco)

ACTION: Discussion held in conjunction with R9P. **Jose Gonzalez, Hernan Cardeno and Police Chief Dan Oates to handle.**

Commissioner Grieco stated that "Hoverboards" are illegal in all locations where Segways are not allowed.

Aleksandr Boksner, First Assistant City Attorney, stated that Hoverboards are prohibited in the City, as they are considered a motorized means of transportation, which carries the same restrictions as Segways. He has contacted the Police Department and Code Enforcement on this matter.

Commissioner Arriola asked Major Causey whether the Police become involved with people who ride aggressively. He gave the example of three in-line skaters who were on the Beachwalk and had little regard for the public safety.

Major Causey stated that the first step would be to contact Security, but if that does not help, the Police will get involved.

6:48:44 p.m.

R9P Discussion Regarding Hoverboard Usage In Areas With Heavy Pedestrian Traffic.
(Sponsored by Commissioner Micky Steinberg)

ACTION: See Action with R9O. **Jose Gonzalez and Hernan Cardeno to handle.**

6:51:28 p.m.

R9Q 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 Padél Courts.
(Sponsored by Mayor Philip Levine)

ACTION: Discussion held. Item referred to the Neighborhood/Community Affairs Committee (NCAC). Direction was given to place signs on the Haas building to inform residents of the NCAC meeting. **John Rebar to handle.**

DIRECTION:

Place notices on the courts inviting residents to join discussion at the NCAC meeting regarding the courts and the Haas building.

John Rebar, Parks and Recreation Department Director, introduced the item. There is an approved plan to demolish the Haas Racquetball building as part of the Flamingo Park Renovation Master Plan. This would take away two indoor courts, and install four outdoor courts. He is asking for direction, whether to proceed on the current path, or whether the City Commission would like to save the Haas building.

Discussion held regarding the Haas building use.

Vice-Mayor Alemán asked why the building is scheduled to be demolished, and whether it is unsafe.

Mr. Rebar stated that the building is unsafe due to electrical conduit issues, so at this time is not open. He added that the building would be replaced with a four padél court.

Marie Grande expressed that many people are still interested in playing in the Haas building.

Mayor Levine asked to refer this item to NCAC, and then have the item return to the City Commission.

Discussion continued.

Steve Horwitz stated that there is no conflict. All these sports play on the exact same court. The problem is removing two indoor courts, and changing them for outdoor courts for a sport not many people play.

Vice-Mayor Alemán asked to place notices on the courts inviting residents to join the discussion at the NCAC meeting regarding the courts and the Haas building.

6:59:09 p.m.

SUPPLEMENTAL MATERIAL 4: Revised Memorandum

R9R Discussion: Proposed Alcoholic Beverages Ordinance Amendment - Modified Recommendations.
(Sponsored by Mayor Philip Levine)
(Legislative Tracking: Office of the City Attorney)

ACTION: Discussion held. **Office of the City Attorney to handle.**

Commissioner Grieco stated that this legislation did not take the direction originally given, and he asked his colleagues to have the cleanup language item come back to the February Meeting.

7:00:48 p.m.

R9S Discussion Regarding What The City Can Do To Improve Communicating Traffic Advisories Internally And To The Public.
(Sponsored by Commissioner Micky Steinberg)

ACTION: Discussion held. Item heard with R9V. **Nannette Rodriguez, Julia Yarbrough and Chuck Tear to handle.**

DIRECTION:

- ✓ Disseminate information at movie theaters regarding traffic updates via text
- ✓ Add text message number for traffic updates
- ✓ Hold a two-hour transportation workshop

Commissioner Steinberg stated that there are complaints due to traffic in the City and not knowing what is going on. There is internally a chain of command now in place; signage is in place for projects taking place ahead of time, which informs the public, but it is not sufficient. Additional signs are needed, social media is appropriate, but someone has to be responsible for alerting the public.

City Manager Morales stated that traffic advisories are communicated every day. Police also put out traffic advisories. E-mail blasts are also sent.

Commissioner Grieco suggested people getting traffic instant text messages.

Commissioner Steinberg agreed but reminded the City Commission that text messages are public record.

Marcia Monserrat, Special Projects Coordinator, stated that the telephone numbers would be public record.

Discussion continued regarding telephone numbers being public record.

Commissioner Grieco suggested disseminating the information regarding the availability of traffic text alerts at movie theaters. **Nannette Rodriguez and Julia Yarbrough to handle.**

Discussion continued.

Jose Gonzalez, Transportation Director, stated they are trying to reach the public; they have ten VMS signs out providing traffic information.

Discussion held regarding Internal Communication chain of command.

Mayor Levine stated that during Art Basel, they manage traffic effectively, and he asked why that company could not manage traffic in the City on a daily basis.

Discussion continued.

7:10:46 p.m.

Commissioner Grieco introduced his item R9V, as it too relates to traffic. It is essential to monitor accidents and congestion as it is happening, specifically on 41st Street. Most people are trying to get North or South in our City.

Jose Gonzalez, Transportation Director, stated that on 41st Street the signal was significantly long, so they reduced the timing, as there are no major special events taking place. Those changes began last week, and will be completed in two weeks.

Discussion held.

Major Causey stated that there is a request to do a modern signage on traffic signal lights. North and South traffic lanes are an issue.

Commissioner Grieco suggested making some lanes where one cannot turn, but keep going through.

Police Chief Oates stated that this would be labor intensive; as they begin, the height of their activities will be beginning rush hour and well into the evening. There is a safety issue if you want two Police Officers to control intersections. He suggested identifying certain intersections, and begin there, but the community will have to be notified of the changes.

Discussion held.

Jose Gonzalez, Transportation Director, added that Intelligent Transportation is the solution.

Discussion continued regarding the Master Plan.

Commissioner Steinberg asked that in the interim, while they have VMS signs, add a text message number. She also asked to bring this item back next month. She requested a list of traffic signals that are not properly working. **Marcia Monserrat to handle.**

Mayor Levine requested a two hour Transportation Workshop. **Jose Gonzalez to handle and schedule.**

Jose Gonzalez, Transportation Director, has provided an LTC that lists the issues.

Major Causey stated that the Police Department does have a chain of command they follow for notifications; he gave the example of a recent accident that occurred, and they managed to get the VMS signs provide the updated information within minutes.

SUPPLEMENTAL MATERIAL 1: Memorandum**SUPPLEMENTAL MATERIAL 4: Additional Information**

R9T Motion To Reconsider Vote On Agenda Item R7C From December 16, 2015 City Commission Meeting (Re: South Beach Component Of The Direct Connect Transit Project).
(Sponsored by Commissioner Kristen Rosen-Gonzalez)

ACTION: Item withdrawn by Commissioner Rosen Gonzalez.

Handouts or Reference Materials:

1. Email from Kristen Rosen Gonzalez kmrosen@yahoo.com dated January 12, 2016 RE: Pull R9M and R9T from agenda.

7:24:40 p.m.

ADDENDUM MATERIAL 1

R9U Discussion And Referral To Neighborhood/Community Affairs Committee Regarding The Flamingo Park Project.
(Sponsored by Commissioner Kristen Rosen Gonzalez)

ACTION: Discussion held. Item not referred. **Eric Carpenter and David Martinez to handle.**

DIRECTION:

Come back with a plan/proposal at the February 10, 2016 Commission meeting for the Flamingo Park neighborhood.

Commissioner Rosen Gonzalez stated that since 2002, the historic neighborhood of Flamingo Park was identified that it needing resurfacing and fixing of their streets. Those streets are in terrible condition; potholes the size of craters. The City has money allocated to fix this neighborhood, and they are 7 years out in terms of Stormwater and street repairs. The residents of Flamingo Park cannot wait seven more years. We have that money allocated, and maybe we can do a quick fix for this neighborhood, given the money that was received from the General Obligations (GO) Bonds in 2002. They have been waiting forever. Commissioner Rosen Gonzalez suggested maybe adding garbage cans, lighting, and resurfacing, so that the neighborhood is functional.

City Manager Morales stated that there is approximately \$12 million in GO Bonds and other funds allocated for the Flamingo Park neighborhood, which is a big area. We have plans in the works. Two phases of a major project that includes streetscape, stormwater, wastewater and drinking water, and that is a \$120 million project in two phases. Phase one starting in 2017-18 and Phase 2 starting in 2018-19. Given the fact that the Flamingo Park area is not as intense of a flooding area, the City could do a milling and resurfacing project with some streetscape with the \$12 million in the short-term, and then delay the major underground work for 5-7 years. That is an approach with the money we have.

Commissioner Rosen Gonzalez asked that in the interim, they could create a blue ribbon panel to allow the residents properly plan for the work the City is going to perform in the short and long term.

City Manager Morales said if given permission he would come back with a plan/proposal at the February 10, 2016 Commission meeting. Mayor Levine agreed with the Manager's suggestion to come back with a plan/proposal for the Flamingo Park Neighborhood at the February 10 Commission meeting.

07:11:20 p.m.

ADDENDUM MATERIAL 2

R9V Discussion Regarding Short-Term PM Rush-Hour Gridlock Mitigation.
(Sponsored by Commissioner Michael Grieco)

ACTION: Discussion held. Item heard with R9S. See comments with R9S. **Major Mark Causey to handle.**

7:27:30 p.m.

ADDENDUM MATERIAL 3

R9W Discuss Status Of The Apollo Mural By Jack Stewart.
(Sponsored by Commissioner Rosen Gonzalez)

ACTION: Discussion held. See also comments with Item R5A. **Maria Hernandez to handle.**

Commissioner Rosen Gonzalez inquired about the status of The Apollo mural by Jack Stewart; what is the City planning to do with it; where is it now?

City Manager Jimmy Morales explained that the mural does not belong to the City; however, it has been offered to the City. The Administration thought about putting it in the Convention Center. The Administration went to the Art in Public Places Committee, and they shot it down very rapidly because there are world-class artists waiting to place decoration, and in fact, they have selected some of these artists to do public art, and the location at the Convention Center is programmed for some other piece/another artists. The Administration has no place to put it on the Convention Center, and no other place to put it. The City has hesitated to accept it, because has nothing to do with it.

Mayor Levine inquired about placing it some place on the Convention Center Hotel, by it, or inside it.

City Manager Morales stated that the piece is very large.

Maria Hernandez, Capital Projects Director, MBCC, responded that it is 90-feet long and 17-feet tall.

Mayor Levine inquired about placing it along a wall of the Convention Center Hotel.

Max Sklar, Director of Tourism, Culture & Economic Development, responded that they have to look at the Hotel design. However, they were waiting until after the referendum.

Vice-Mayor Alemán inquired if it was in good condition.

Max Sklar responded that it was not, and it would require a complete restoration. The City would have to hire a conservator, and ball parking it would take a few hundred thousand dollars to repair it, plus storage.

Mayor Levine inquired if it could go on the Senior Center. Max Sklar and Maria Hernandez responded that they do not believe there is a wall long enough at the Senior Center.

The City Manager reminded the Commission that the Apollo Mural used to be in the old Versailles building.

Maria Hernandez explained that one of the issues is that, if the pieces get lost it would be difficult to replace them, and it is all in pieces in a big yard. The pieces have to be documented and bundled somewhere where they will be safe.

Commissioner Steinberg stated that it is an iconic piece. The City needs to determine its condition, it needs to be restored. They need to discuss where to put it but they should do something with it.

Vice-Mayor Alemán asked that if it is significant, are there museums that would want it.

Commissioner Rosen Gonzalez suggested placing it on the welcome sign.

City Manager Morales stated that he and Ms. Hernandez were very enthusiastic about putting it on the south corner of the Convention Center, and the suggestion was taken to the Art in Public Places Committee but the members of the Committee did not view it as significant.

Mayor Levine stated that they would try to figure something out.

Handouts or Reference Materials:

1. List of Speakers

R10 - City Attorney Reports

R10A City Attorney's Status Report.

(Office of the City Attorney)

ACTION: Report given.

Reports and Informational Items

1. Reports And Informational Items (see LTC 004-2016)
2. List of Projects Covered by the Cone of Silence Ordinance – LTC No. 003-2016.
(Procurement)
3. Report From Commission Committees Of Withdrawn Items Not Heard Within (6) Six Months From Their Referral Date.
(Office of the City Clerk)

End of Regular Agenda

Meeting adjourned at 7:30 p.m.