

# MIAMI BEACH

## City Commission Meeting

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

February 10, 2016

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

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

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### ATTENTION ALL LOBBYISTS

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

*To request this material in alternate format, sign language interpreter (five-day notice required), information on access for persons with disabilities, and/or any accommodation to review any document or participate in any city-sponsored proceedings, call 305.604.2489 and select 1 for English or 2 for Spanish, then option 6; TTY users may call via 711 (Florida Relay Service).*

*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.*

### AGENDA KEY

#### Consent Agenda:

C2 - Competitive Bid Reports  
C4 - Commission Committee Assignments  
C6 - Commission Committee Reports  
C7 - Resolutions

#### Regular Agenda:

R2 - Competitive Bid Reports  
R5 - Ordinances  
R7 - Resolutions  
R9 - New Business & Commission Requests  
R10 - City Attorney Reports

**AGENDA**

1. Call to Order - 8:30 a.m.
2. Inspirational Message and Pledge of Allegiance
3. Requests for Additions, Withdrawals, and Deferrals
4. Recess for lunch at approximately 12:00 p.m.

**CONSENT AGENDA**

**C2 - Competitive Bid Reports**

- C2A Request For Approval To Issue A Request For Qualifications (RFQ) No. 2016-073-KB For Construction Manager At Risk (CMR) For Construction Of Lincoln Road Improvements.  
(Procurement/Capital Improvement Projects)
- C2B Request For Approval To Issue A Request For Proposal (RFP) No. 2016-046-KB For Red Light Violation Camera Enforcement System And Related Support Services.  
(Procurement/Police)
- C2C Request For Approval To Authorize The Issuance Of A Request For Qualifications (RFQ) No. 2016-057-WG For Investigation, Background, Adjusting And Surveillance Of Selected Tort Liability Claims, Workers' Compensation Claims, And Other Employment Related Matters.  
(Procurement/Human Resources)

**C4 - Commission Committee Assignments**

- C4A Referral To Neighborhood/Community Affairs Committee - Discussion Regarding A Mid-Beach Intermodal Facility.  
(Transportation)
- C4B Referral To The February 17, 2016 Sustainability And Resiliency Committee To Discuss Establishing A Kayak Sharing Program At Select Waterfront Parks.  
(Environment & Sustainability)
- C4C Referral To The Planning Board - Proposed Ordinance Amendment Pertaining To Unified Development Sites And The Distribution Of FAR.  
(Sponsored by Commissioner Michael Grieco)  
(Legislative Tracking: Planning)

C4D Referral To The Planning Board - Proposed Ordinance Amendment Pertaining To The Establishment Of Minimum Freeboard Requirements And Grade Elevations For New Construction.

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

C4E Referral To The Sustainability And Resiliency Committee To Discuss Prohibiting Contractors From Using Roundup And Other Chemicals Labeled As Carcinogens In Public Spaces.

(Sponsored by Commissioner Ricky Arriola)

C4F Referral To The Sustainability And Resiliency Committee To Discuss The Elimination And/OR Phasing Out Of Gas-Powered Leaf Blowers.

(Sponsored by Commissioner Michael Grieco)

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

(Sponsored by Commissioner Ricky Arriola)

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

(Sponsored by Commissioner Michael Grieco)

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

(Capital Improvement Projects)

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

(Sponsored by Commissioner Joy Malakoff)

**C6 - Commission Committee Reports**

- C6A Report Of The January 20, 2016 Sustainability And Resiliency Committee: **1)** Mayor's Blue Ribbon On Flooding And Sea Level Rise Update. **2)** Sustainability Committee Update. **3)** Update On Improving Resiliency Of Government Buildings And Operations To Reduce And Mitigate The Impacts Of Greenhouse Gases. **4)** Discussion Regarding Potential Drafting Of Plastic Bag Ban Ordinance In Anticipation Of The State Pilot Program. **5)** Discussion Implementing Citywide Textile And Electronic Recycling.
- C6B Report Of The December 18, 2015 Sustainability And Resiliency Committee: **1)** Mayor's Blue Ribbon On Flooding And Sea Level Rise Update. **2)** Sustainability Committee Update. **3)** 7<sup>th</sup> Annual Southeast Florida Regional Climate Leadership Summit. **4)** Discussion To Improve Resiliency Of Government Buildings And Operations To Reduce And Mitigate The Impacts Of Greenhouse Gases. **5)** Discussion Regarding Potential Drafting Of Plastic Bag Ban Ordinance In Anticipation Of The State Pilot Program.
- C6C Report Of The January 22, 2016 Finance And Citywide Projects Committee Meeting: **1)** Discussion Regarding The Renewal Of The Agreement Between The City Of Miami Beach And Clear Channel Outdoor, Inc. (F.K.A. Clear Channel Adshel, Inc.), To Construct, Operate And Maintain Bus Shelter Structures And Other Street Furniture Throughout The City, Pursuant To City Of Miami Beach Request For Proposals No. 107-99/00. **2)** Discussion Regarding Incentivizing Local Theater In Miami Beach. **3)** Discussion Regarding Time Capsule 2066.

- C6D Report Of The January 20, 2016 Land Use And Development Committee Meeting: **1.** Annual Evaluation Of Parking Impact Fee Structure. **2.** Discussion On The Collins Canal Project. **3.** Sidewalk Café Ocean Drive Umbrellas: An Ordinance Of The Mayor And City Commission Of The City Of Miami Beach, Florida, Amending Chapter 82, Entitled "Public Property," Article IV, Entitled "Uses In Public Rights-Of-Way," Division 5, Entitled "Sidewalk Cafes," Subdivision 2, Entitled "Permit," By Creating Section 82-389, Entitled "Additional Minimum Standards, Criteria, And Conditions For Operation Of Sidewalk Cafes On Ocean Drive Between 5<sup>th</sup> Street And 15<sup>th</sup> Street" To Provide Minimum Standards For Umbrellas And Awnings, Require Regular Maintenance Of Umbrellas, And Provide Prohibitions; And Providing For Repealer, Severability, Codification, And An Effective Date. **4. a)** Discussion Regarding Grade Elevations For New Construction. **4. b)** Amendments To The City Code, Including The Land Development Regulations, To Improve The City's Resiliency To Sea Level Rise, Flooding And Natural Hazards. **5.** Proposed Revisions To Chapter 126 Of The Land Development Regulations Of The City Code, Pertaining To Landscaping And Minimum Standards For The Landscaping Of Private Properties And Adding A Requirement For A Tree Survey Prior To The Issuance Of A Demolition Permit. **6.** Discussion Pertaining To Main Use Parking Structure Height Limits On Terminal Island. **7.** Discussion Regarding The Vacation Of A Portion Of The Alley Between Alton Road And West Avenue, Just South Of 17<sup>th</sup> Street - As Part Of A Proposed Mixed Use Project That Will Include Residential, Retail And Structured Parking, Including Public Parking. **8.** An Ordinance Of The Mayor And City Commission Of The City Of Miami Beach, Florida, Amending Chapter 138 Of The Miami Beach City Code, Entitled "Signs," Article IV Entitled "Temporary Signs," At Section 138-140 Entitled "Vacant Storefront Covers And Signs" To Mandate That All Vacant Storefront Windows And Doors Be Wrapped In Non-Commercial Paper Designs; Providing For Enforcement And Penalties; And Providing For Repealer, Codification, Severability, And An Effective Date. **9.** Discussion On Expanding The Role Of The Board Of Adjustment To Include The Review Of New Single Family Homes, With Two Additional Members Being Appointed By The Commission In The Categories Of Architect And Landscape Architect. **10.** Land Use Amendment Regarding The Selling Of Alcoholic Beverages At The Following Locations: North Shore Bandshell, Shane Rowing Center, And Botanical Garden. **11.** Discussion Regarding A Proposed Zoning Ordinance Amendment To Allow A 'Hall For Hire' As A Conditional Use Within Existing Religious Institutions Located Within The Museum Local Historic District And In The RM-2 Zoning District. **12.** Discussion Regarding Amending Section 118-5 Unity Of Title; Covenant In Lieu Thereof. **13.** An Ordinance Amending The Land Development Regulations (LDRs) Of The City Code, By Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 6, "CD-3 Commercial, High Intensity District," To Create Section 142.340, "CD-3 District, Washington Avenue Between 16<sup>th</sup> Street And 17<sup>th</sup> Street Development Regulations And Area Requirements," To Modify The Development Regulations For Properties Fronting Washington Avenue To Include The CD-3, Commercial-High Intensity District Properties Fronting 16<sup>th</sup> And 17<sup>th</sup> Street And Authorizing For New Hotel Construction Or Conversion To Hotel Use, With The Minimum Hotel Room Unit Size Of 175 Square Feet, And Provide Some Additional Design Regulations Relating To The Hotel Use; Providing For Codification; Repealer; Severability; And An Effective Date. **14.** Discussion Regarding The City Of Miami Beach's Building Permit Application Process. **15.** Ordinance Amending Height And Setbacks For Mixed-Use Development In The Sunset Harbour Neighborhood. **16.** Discussion Regarding The Impact Of A Partial Modification Of Ordinance 2014-3876 As It Relates To A FAR Interpretation.

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

### **C7 - Resolutions**

- C7A A Resolution Approving And Authorizing The City Manager, Or His Designee, To Apply For, Accept, And Appropriate Funding (Including Matching Funds And Any Related City Expenses), And Execute Any And All Documents Or Agreements In Connection With Grants And Funding Requests From The Following Sources: 1) Firehouse Subs Public Safety Foundation, In The Approximate Amount Of \$20,000; 2) Florida Department Of Transportation, Highway Safety Program, In The Approximate Amount Of \$425,000; 3) Florida Department Of Transportation Motorcycle Safety Program, In The Approximate Amount Of \$75,000; And 4) Florida Office Of The Attorney General, Victims Of Crime Act (VOCA), In The Approximate Amount Of \$243,141.  
(Budget & Performance Improvement)
- C7B Resolution Authorizing The City Manager, Or His Designee, To Donate Or Discard Obsolete Firefighting Equipment That Has No Commercial Value As Such Equipment No Longer Meets National Fire Protection Association And Occupational Safety And Health Administration Standards.  
(Office of the City Attorney)
- C7C A Resolution Electing Commissioner Micky Steinberg, Group I, As Vice-Mayor, For A Term Commencing On March 1, 2016 And Terminating On June 30, 2016, Or On Such Date When A New Vice-Mayor Is Thereafter Elected.  
(Office of the City Clerk)
- C7D A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 3 To The Agreement, Dated October 10, 2014, Between The City Of Miami Beach And Tyler Technologies, Inc., For Replacing The City's Enterprise Resource Planning (ERP) System, To Amend The Provisions Regarding Reporting Tools, Training, And Professional Services.  
(Information Technology)

- C7E A Resolution Approving And Authorizing The City Manager And City Clerk To Execute An Agreement With The School Board Of Miami-Dade County, Florida ("M-DCPS"), For Use Of The Parking Lot At Miami Beach Senior High School To Provide Additional Parking For Events Taking Place At The Miami Beach Convention Center, For An Initial Term Of One (1) Year, With Two (2) One-Year Renewal Options, At The Mutual Discretion Of The City Manager And M-DCPS.  
(Organization Development Performance Initiatives/Parking)
- C7F A Resolution Authorizing The City Manager, And/Or His Designee, And City Clerk To Execute A Contract To Be Prepared By The City Attorney, And Any Amendments Or Adjustments As To Scope And Content, With Potential Trainees For The Miami Beach Police Department Pilot Program To Attract Police Officers With No Prior Law Enforcement Experience, But Who Meet Newly Approved Minimum Standards, Including Having Attained Twenty-One Years Of Age At The Time Of Application And Acquired A Bachelor's Degree Prior To Hiring, As Notified To The Mayor And City Commission Through Letter To Commission 385-2015 Dated September 28, 2015.  
(Police)
- C7G A Resolution Accepting The Recommendation Of The City Manager To Reject All Proposals Received, Pursuant To Pursuant To Request For Proposals (RFP) No. 2015-176-JR, Elevator Inspection And Plan Review Services.  
(Procurement)
- C7H A Resolution Accepting The Recommendation Of The Finance And Citywide Projects Committee To Adopt A Rental Fee Waiver Grant Program For The Colony Theatre In An Effort To Incentivize Live Theater In Miami Beach, Said Program To Be Funded By The Community Benefit Fund, And Administered By The Tourism, Culture And Economic Development Department Following Review And Recommendation By The Miami Beach Cultural Arts Council.  
(Tourism, Culture & Economic Development)
- C7I A Resolution Approving The Friends Of The Bass Museum, Inc.'s Permanent Placement Within Collins Park Of A Sculpture By Artist Ugo Rondinone Entitled "Mountains," With Such Sculpture Being Accessioned Into The John And Johanna Bass Collection And Maintained By The Friends Of The Bass Museum, Inc., For The Benefit Of The City Of Miami Beach, Florida.  
(Tourism, Culture & Economic Development)
- C7J A Resolution Approving And Authorizing The Administration To Negotiate A Lease Agreement, Consistent With The Essential Terms Set Forth In This Resolution, Between The City Of Miami Beach, As Tenant, And Beach Tower, LLC, As Landlord, For Use Of Approximately 3,349 Rentable Square Feet Of Property, Located At 1688 Meridian Avenue, Suite 801, Miami Beach, Florida, To Be Used As Administrative Offices For The City's Transportation Department; Said Lease Agreement Having An Initial Term Of Sixty-Three (63) Months, Commencing On March 1, 2016, And Ending On May 31, 2021, With Two (2) Three (3) Year Renewal Options, At The City's Option; And Upon Successful Negotiations, Authorizing The Mayor And City Clerk To Execute Said Lease Agreement.  
(Tourism, Culture & Economic Development)

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

C7L A Resolution Approving And Authorizing The Mayor And City Clerk To Execute An Amendment To The Professional Services Agreement With Industrial/Organizational Solutions, Inc., Approved By The City Commission On July 18, 2012, Said Amendment To Provide Additional Testing Services During The Third Contract Year For Non-Certified Police Officer Trainees, Certified Police Officers And Fire Fighters; And Requesting Additional Funding, In An Amount Not To Exceed \$85,000.

(Human Resources)

**(Item to be Submitted in Supplemental)**

**End of Consent Agenda**

**REGULAR AGENDA**

**R2 - Competitive Bid Reports**

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

**R5 - Ordinances**

- R5A Sustainability And Resiliency  
An Ordinance Amending The Land Development Regulations (LDRs) Of The City Code, By Establishing Chapter 133, Entitled "Sustainability And Resiliency;" Establishing Requirements For Green Building Certification As A Requirement During Zoning Review Of New Projects Over A Certain Size ("Eligible Project(s)"); Establishing A Sustainability Fee Program For Projects That Do Not Achieve The Required Green Building Certification Level; Authorizing Property Owners And Developers To Pay A Sustainability Fee, Or, In The Alternative, Post A Bond, In The Amount Of Five Percent (5%) Of The Total Construction Cost For The Eligible Project(s), Into The City's Sustainability Fund, Which Bond Or Funds Are Reimbursable To The Property Owner Or Developer Pursuant To The Level Of Green Building Compliance Achieved By The "Eligible Project"; Establishing A Sustainability And Resiliency Fund For The Deposit Of The Sustainability Fees Generated Through The Sustainability Fee Program, And Providing The Uses For Which The Fees Deposited In The Sustainability And Resiliency Fund Can Be Used; And Repealing Chapter 100, Entitled "Sustainability" As Duplicative And Contradictory To The Sustainability And Resiliency Revisions Of Chapter 133; Providing For Review; Applicability; Codification; Repealer; Severability; And An Effective Date. **10:00 a.m. Second Reading Public Hearing**  
(Sponsored by Commissioner Micky Steinberg)  
(Legislative Tracking: Planning)  
(First Reading on January 13, 2016 - R5K)
- R5B Required Off Street Loading Spaces  
An Ordinance Amending Chapter 130 "Off Street Parking," Article IV, "Off-Street Loading," By Modifying The Requirements For Calculating And Providing Required Loading Spaces For Existing Buildings, Changes In Use And New Construction, Including Enclosed Structures Used For The Storage And Parking Of Vehicles; Providing For Repealer; Severability; Codification; And An Effective Date. **10:05 a.m. Second Reading Public Hearing**  
(Sponsored by Commissioner Joy Malakoff)  
(Legislative Tracking: Planning)  
(First Reading on January 13, 2016 - R5L)  
**(Item to be Submitted in Supplemental)**

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

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

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

(Sponsored by Commissioner Michael Grieco)  
(Legislative Tracking: Human Resources)  
(First Reading on January 13, 2016 - R5O)  
**(Item to be Submitted in Supplemental)**

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

(Sponsored by Vice-Mayor John Elizabeth Alemán)  
(Legislative Tracking: Human Resources)  
(First Reading on January 13, 2016 - R5P)

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

An Ordinance Amending Subpart A - General Ordinances, Chapter 6 "Alcoholic Beverages" Of The Code Of The City Of Miami Beach, By Amending Article I, "General Provisions", To Consolidate All Provisions Relating To Alcohol Regulation In One Chapter Of The City Code By Relocating Certain Alcoholic Beverage Establishment Regulations From Chapter 142 And Placing Those Provisions In Chapter 6; Providing For Hours Of Operation; Location And Use Restrictions; Patron Age Restrictions; Minimum Seats And Hotel Rooms Requirements; By Amending Article II, "Conduct," By Modifying And Creating Definitions; Providing For Repealer; Severability; Codification; Exceptions; And An Effective Date. **10:25 a.m. First Reading Public Hearing**

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

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

- R5G An Ordinance Amending The Code Of The City Of Miami Beach, Subpart B, Entitled "Land Development Regulations," Of Chapter 142, Entitled "Zoning Districts And Regulations," By Amending Division 2, Entitled "Accessory Uses"; By Amending Section 142-905, Entitled "Permitted Accessory Uses In Single-Family Districts," By Amending Subsection (b)(5)a. Which Increases The Monetary Fines For Violations Of Subsection 142-905(b)(5), And Requiring Notification To Be Remitted To The Miami-Dade Tax Collector And Property Appraiser By The Code Compliance Director, By Establishing A Rebuttable Presumption For Advertising And Advertisement Evidence; And Creating Subsection (b)(5)b, Entitled "Enhancement Penalties," Which Establishes Enhanced Penalties For Violations Of Subsection (b)(5); By Amending Article IV, Entitled "Supplementary District Regulations," By Amending Division 3, Entitled "Supplementary Use Regulations," By Amending Section 142-1111, Entitled "Short-Term Rental Of Apartment Units Or Townhomes," By Amending Subsection (d) Which Increases The Monetary Fines For Violations Of Subsection 142-1111(a), And Requiring Notification To Be Remitted To The Miami-Dade Tax Collector And Property Appraiser By The Code Compliance Director, By Establishing A Rebuttable Presumption For Advertising And Advertisement Evidence; And Creating Subsection (d)(5), Entitled "Enhanced Penalties," Which Establishes Enhanced Penalties For Violations Of Subsection 142-1111(a); And Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading**  
(Sponsored by Mayor Philip Levine)  
(Legislative Tracking: Office of the City Attorney)  
(Continued from January 13, 2015 - R5S)

- R5H Consolidation Of Notification Procedures For Single Family Home Determination Of Architectural Significance  
An Ordinance Striking The Remaining Notice Provisions Contained Within Chapter 142, Entitled "Zoning Districts And Regulations", At Section 142-108, Entitled "Provisions For The Demolition Of Single-Family Homes Located Outside Of Historic Districts" In Order To Ensure Consolidation Of All Notice Provisions In New Section 118-8 Entitled "Notification Procedures;" By Amending Section 142-108 To Cross-Reference With Section 118-8; And By Amending Section 118-8 To Include Notice Requirements For Administrative Decisions Requiring Review; Providing For Repealer; Severability; Codification; And An Effective Date. **First Reading**  
(Sponsored by Commissioner Michael Grieco)  
(Legislative Tracking: Planning)
- R5I An Ordinance Amending Chapter 2 Of The Code Of The City Of Miami Beach, Entitled "Administration," By Amending Article III, Entitled "Agencies, Boards And Committees," By Amending Division 11, Entitled "Committee On The Homeless," By Amending And Updating The Provisions Regarding The Composition, Knowledge, And Experience Of Board Members, And City Departmental Support; And Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading**  
(Sponsored by Sponsored by Vice-Mayor John Elizabeth Alemán)  
(Legislative Tracking: Housing & Community Services)
- R5J An Ordinance Amending The Code Of The City Of Miami Beach, Subpart B, Entitled "Land Development Regulations," Of Chapter 142, Entitled "Zoning Districts And Regulations," By Amending Article II, Entitled "District Regulations," By Amending Division 2, Entitled "RS-1, RS-2, RS-3, RS-4 Single-Family Residential Districts," By Amending Section 142-109, Entitled "Commercial Use Of Single-Family Homes Prohibited," By Amending Subsection (c)(1)b, Requiring An Owner Or Resident To Submit An Affidavit To The City Manager Identifying The Limited Commercial Use At The Residential Property; By Amending Subsection (d) That Requires Notification To Be Remitted To The Tax Collector And Property Appraiser By The Code Compliance Director, And Establishing A Rebuttable Presumption Standard For Advertising And Advertisement Evidence, And Increasing Those Monetary Fines For Violations Of Section 142-109; By Creating Subsection (f), Entitled "Enhanced Penalties," Which Establishes Enhanced Penalties For Violations Of Section 142-109; And Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading**  
(Sponsored by Mayor Philip Levine)  
(Legislative Tracking: Office of the City Attorney)

### **R7 - Resolutions**

- R7A A Resolution Adopting The Third Amendment To The Capital Budget For Fiscal Year 2015/16. **10:30 a.m. Public Hearing**  
(Budget & Performance Improvement)

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

(Capital Improvement Projects)

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

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

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

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

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

(Environment & Sustainability)

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

(Human Resources)

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

(Housing & Community Services)

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

(Housing & Community Services)

- R7I A Resolution Approving And Authorizing The City Manager To Take The Following Actions: (1) Recapture \$188,874.19 Of Community Development Block Grant (CDBG) Funds, Which CDBG Funds Were Previously Allocated Pursuant To The Action Plans For Fiscal Years From 2009 Through 2011, Action Plans For Fiscal Years From 2013 Through 2015, And The FY 2013 Through 2017 Consolidated Plan; And Reallocate Said CDBG Funds, As Follows: (A) \$16,434.45 To The City's Homeless Outreach Team For Public Services And (B) \$172,439.74 To The City's Housing And Community Services Department For A Capital Project; (2) Reassign \$25,000 From FY 15/16 CDBG Funds To The City For Homeless Services; And (3) Reallocate \$73,577.24 Of CDBG Funds Previously Allocated From FY 2011/2012 To FY 2014/2015; Authorizing City Manager To Submit The Requisite Revised Action Plans And Consolidated Plan To HUD; And Authorizing The Mayor And City Clerk To Execute Agreements For Sub-Recipients; And Further Authorizing The City Manager To Execute City Interdepartmental Agreements.  
(Housing & Community Services)
- R7J A Resolution Approving And Authorizing The Mayor And City Clerk To Execute The Second Amendment To Lease Agreement With The Miami Beach Police Athletic League, Inc. (PAL), Substantially In The Form Attached To This Resolution, Relating To The Building Located At 999 11<sup>th</sup> Street (Premises); Said Amendment Establishing The Permitted Uses Under The Lease; Clarifying And Establishing Terms Relating To The Shared Use Of The Premises By The City And PAL; Clarifying The Operational, Management, And Maintenance Obligations With Respect To The Shared Use Of The Premises; Providing PAL With A \$1.00 Per Hour Of The Off-Duty Police Surcharge During The Term Of The Lease; And Further Extending The Lease Agreement Term For An Additional Two (2) Years, Through And Including June 30, 2025.  
(Police)  
(Deferred from January 13, 2016 - R7G)  
**(Item to be Submitted in Supplemental)**
- R7K A Resolution Authorizing The City Manager To Enter Into Consent Orders With The State Of Florida Department Of Health For Permit Violations Associated With Water Systems Being Placed Into Service Without The State Of Florida, Department Of Health Approval Or Clearance In Violation Of 62-555.345, F.A.C. And 403.121(3)(a).  
(Public Works)  
**(Item to be Submitted in Supplemental)**
- R7L A Resolution Consistent With The City Commission Action Of December 9, 2015, Pursuant To Resolution No. 2015-29222, The City Commission Approves And Authorizes The City Manager To Execute An Interlocal Agreement ("Agreement"), Attached Hereto As "Exhibit 1", Between The City Of Miami Beach ("City") And The Miami-Dade County School Board (M-DCSB) In Which The City Will Fund, For A Three Year Term, Certain Prekindergarten Classes For Eligible City Of Miami Beach Residents, And The Prekindergarten Services Would Be Offered At Biscayne Elementary School And Fienberg/Fisher K-8 Center Under The Terms Of The Attached Agreement, Which Pre-Kindergarten Services May Be Accessed By City Of Miami Beach Resident Children From The Four Targeted Schools (Biscayne Elementary School, Fienberg/Fisher K-8 Center, North Beach Elementary School And South Pointe Elementary School) Following The Registration And Lottery Procedures Delineated In The Interlocal Agreement; With An Estimate Cost Of \$206,558 In Start-Up Costs For Year One, And An Estimated Reoccurring Cost For Years Two And Three Of Approximately \$140,402, Per Grant Year, To Fund The On-Going Costs Of The Classrooms Identified In The Agreement.  
(Sponsored by Commissioner Michael Grieco)  
(Legislative Tracking: Office of the City Attorney)

- R7M A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 1 To A Joint Participation Agreement (JPA) With Miami-Dade County To Include The Harmonization Of Dade Boulevard To The West Avenue Bridge Project, With This Addendum, The Total Contribution By The County Of This JPA Will Be In The Amount Of \$5,211,000, Of Which \$3,011,000 Will Be Used For The West Avenue Bridge Project And \$2,200,000 For Dade Boulevard Harmonization Project.  
(Public Works)
- R7N A Resolution Accepting The Recommendation Of The Finance And Citywide Projects Committee To Issue A Request For Proposals For The Design Of New Bus Shelters; And Authorizing The City Manager To Extend The Existing Agreement Between The City And Clear Channel Adshel, Inc., On A Month-To-Month Basis, After Its Expiration On October 31, 2016, As Needed, So That The Clear Channel Contract Would Remain In Place Until A New Contract Is Executed.  
(Transportation)
- R7O A Resolution Accepting The Recommendation Of The Neighborhood/Community Affairs Committee To Conduct A Traffic Calming Study In The Nautilus Area.  
(Transportation)
- R7P A Resolution Amending Resolution No. 2015-29247 With Respect To The City Commission's Voluntary Imposition Of The City's Cone Of Silence Ordinance To The Solicitation Of Alternative Proposals For A Public-Private Partnership, In Accordance With Florida Statute 287.05712, For An Off-Wire Or "Wireless" Light Rail/Modern Streetcar System ("Project"); Said Amendment For The Limited Purpose Of Permitting The City's Project Consultants And City Staff Designated By The City Manager, To Schedule One-On-One Meetings With Prospective Proposers For Fact-Finding Purposes, As Part Of An Industry Review Process; And Otherwise Continuing To Extend The Requirements Of The City's Cone Of Silence Ordinance, As Set Forth In Section 2-486 Of The City Code, To The Solicitation For The Project.  
(Transportation)
- R7Q A Resolution Opposing SB 872 And HB 675, Or Similar Legislation That Would Preempt Local Policies Related To Immigration Detainer Requests.  
(Sponsored by Commissioner Kristen Rosen Gonzalez)  
(Legislative Tracking: Office of the City Attorney)

**R9 - New Business and Commission Requests**

- R9A Board And Committee Appointments.  
(Office of the City Clerk)
- R9A1 Board And Committee Appointments - City Commission Appointments.  
(Office of the City Clerk)
- R9B1 Dr. Stanley Sutnick Citizen's Forum. (8:30 a.m.)  
R9B2 Dr. Stanley Sutnick Citizen's Forum. (1:00 p.m.)

- R9C Discussion Regarding The Restoration Of The Damaged Portion Of The “Great Spirit” Statue Located On The Traffic Island Between Pine Tree Drive And Flamingo Drive On 40<sup>th</sup> Street.  
(Sponsored by Commissioner Micky Steinberg)
- R9D Discussion Regarding A Public Piano Program.  
(Sponsored by Commissioner Michael Grieco)
- R9E Discussion For Policy Direction Regarding Conditional Use Requirements For “DJs” Playing Music At “Ambient” Levels.  
(Sponsored by Commissioner Michael Grieco)
- R9F Discussion And Referral To Land Use And Development Committee Regarding City Of Miami Beach Preparations For Likely Passage Of State Medical Marijuana Constitutional Amendment.  
(Sponsored by Commissioner Michael Grieco)
- R9G Discussion Regarding The Flamingo Park Project.  
(Sponsored by Commissioner Kristen Rosen Gonzalez)  
(Legislative Tracking: Capital Improvement Projects)  
(Originated from January 13, 2016 - R9U)
- R9H Proclamation To Be Presented To Robert Ravencraft, For Running 15,000 Consecutive Days.  
(Sponsored by Commissioner Kristen Rosen Gonzalez)
- R9I Discussion And Referral To The Historic Preservation Board For Consideration To Reclassify Fire Station 1 From A “Non-Contributing” To A “Contributing” Structure.  
(Sponsored by Commissioner Kristen Rosen Gonzalez)
- R9J Discussion Regarding The Creation Of A Single Family Home Survey.  
(Sponsored by Commissioner Kristen Rosen Gonzalez)
- R9K Discussion Regarding Authorizing The Creation Of A Pilot Program For Specifically Designated Residential Zones That Will Limit On-Street Parking To Only Cars And Trucks.  
(Sponsored by Vice-Mayor John Elizabeth Alemán)
- R9L Discussion Regarding The Alton Road At 5<sup>th</sup> Street Flyover Aesthetics.  
(Public Works)
- R9M Discussion On Agreement With MWW Group For Federal Lobbying Services.  
(Sponsored by Mayor Philip Levine)

- R9N Presentation By The School Board On Fienberg Fisher K-8 Center.  
(Sponsored by Commissioner Kristen Rosen Gonzalez)
- R9O Introduction Of University Of Cambridge Professor, Dr. Ariel Barak, Who Is Working With The Miami Beach Police Department On The Body Work Camera Grant/Multi-Year Study.  
(Police)
- R9P Discussion Regarding Allowing Leniency In Enforcement For Deliveries And Tourist Bus Disembarkation On Collins Avenue Between 63<sup>rd</sup> And 75<sup>th</sup> Streets For A Defined Daily Time Window Outside Of Normal "Rush Hour" Periods (Such As 9:00 a.m. - 3:00 p.m.), While Discussions For A More Permanent Solution Are Had.  
(Sponsored by Vice-Mayor John Elizabeth Alemán)
- R9Q Consideration Of Straw Ballot On Whether Or Not To Retain City Of Miami Beach Red Light Camera Program.  
(Sponsored by Commissioner Kristen Rosen Gonzalez)

**R10 - City Attorney Reports**

- R10A City Attorney's Status Report.  
(Office of the City Attorney)

**Reports and Informational Items**

1. Reports and Informational Items (see LTC 048-2016)
2. List Of Projects Covered By The Cone Of Silence Ordinance - LTC No. 043-2016.  
(Procurement)
3. Report From Commission Committees Of Withdrawn Items Not Heard Within (6) Six Months From Their Referral Date.  
(Office of the City Clerk)
4. Miami Beach Convention Center Monthly Construction Project Update - LTC.  
(Office of the City Manager)  
**(LTC to be Submitted in Supplemental)**

**End of Regular Agenda**