

# MIAMI BEACH

**Presentations & Awards/Commission Meeting  
City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive  
March 16, 2016**

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

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

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## ATTENTION ALL LOBBYISTS

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

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

Meeting called to order at 5:04:02 p.m.

Pledge of Allegiance led by County Judge Laura Stuzin.

### **MOMENT OF SILENCE IN HONOR OF B.J. RAKOW**

Mayor Levine called a moment of silence in honor of Barbara Rakow, who passed away on February 20, 2016. She was the beloved mother of slain Miami Beach Police Detective Scott Rakow. Ms. Rakow worked as a psychologist, motivational speaker, author, web-writer and management consultant. She made her home in Miami Beach for four decades before moving to Aventura after the passing of her beloved husband Allen (Rocky) Rakow.

**ADDENDUM MATERIAL 1:**

R7D R9A

**ADDENDUM MATERIAL 2:**

R9B R9C

**ADDENDUM MATERIAL 3:**

R9D R9E R9F

**ITEM WITHDRAWN:**

R9C by Commissioner Malakoff

**ADDENDUM ITEM NOT ADDED TO THE AGENDA BY 5/7 VOTE**

R9F

Rafael E. Granado, City Clerk, read the items requested to be added to the Commission Agenda into the record.

**ADDENDUM****5:06:13 p.m.**

Motion was made by Commission Grieco to add Item R9B to the Agenda; seconded by Commissioner Alemán; Voice-vote: 6-1; Opposed: Commissioner Rosen Gonzalez.

Due to a lack of a motion to add Item R9F to the Agenda, the item was not added.

Mayor Levine explained that Item R9C was withdrawn by Commissioner Malakoff, and is to be heard at a subsequent Commission Meeting.

**City Clerk's Note**

Items R9B and R9F are Non-Presentation items that were not approved by the Mayor or deferred from a previous Commission Meeting for inclusion in the Presentations & Awards/Commission Meeting, and therefore needed a 5/7<sup>th</sup> vote to be added to the agenda. The sponsor of the Non-Presentation item deemed that such item either constituted a public emergency affecting life, health, property, or public safety and should be considered immediately; or did not constitute a public emergency, but should be considered immediately. See Miami Beach Code Sec. 2-12 (e)/ Ordinance 2015-3954.

**Presentations & Awards****5:14:31 p.m.**

PA1 Employee Performance Recognition.

(Office of the City Manager)

**ACTION:** Performance Recognition presented.

Jimmy L. Morales, City Manager, explained that under the Recognition Program the Administration recognizes employees according to their performance. Those who exceed expectations receive a \$25 check, and those employees who significantly exceed expectations receive a \$50 check. The following individuals were recognized for exceeding and significantly exceeding expectations during performance of their duties:

**FINANCE**

Michelle Cullen  
Esther Guerrero  
Francisco Velez

**FIRE**

Kenneth Cole  
Robert Erbs II  
Oliver Hanna  
Damon Keller  
Jonathan Sturman

**PARKS & RECREATION**

Anthony Scallo

**PLANNING**

Laura Camayd  
Steven Greene  
James Seiberling

**POLICE**

Raymond Diaz  
Sheryll Kumm  
Javier Matias  
Cheryl Mitchell-Perkins  
Yarden Rosenthal

**PUBLIC WORKS**

Eric Arencibia  
Gregory Byars  
Leonardo Francis  
Jason Stewart

**TOURISM & CULTURAL DEVELOPMENT**

Luis Wong

Handouts or Reference Materials:

1. List of Employees

**5:17:34 p.m.**

PA2 Proclamation To Be Presented For Dr. Kevin D. Berkowitz, Naming 3/18 In His Honor Posthumously.

(Sponsored by Commissioner Michael Grieco)

**ACTION:** Proclamation presented.

Commissioner Grieco stated that Dr. Kevin Berkowitz passed away unexpectedly last year. He read the following proclamation into the record: **“Whereas** Dr. Kevin Berkowitz made the impossible become possible, the magic happened every day at his Miami Beach Headquarters, located at the esteemed Mount Sinai Medical Center. Next to your heart, your legs are the most important part of the body, without them mobility ceases, and a life without movement was not something on Dr. Berkowitz’s chart; and **Whereas** staying one step ahead of the curve since graduating Cornell University as a Cornell National Scholar in 1993. Dr. Berkowitz went on to graduate from Barry University School of Podiatric Medicine with Honors, and was the recipient of various academic awards and achievements, such as Dean’s List for scholastic excellence, President’s List for scholastic excellence, as well as a distinguished published author for several academic journals, such as the American Podiatric Medical Association. Dr. Berkowitz completed two years of residency and training at Mount Sinai Medical Center and Jackson Memorial Hospitals in 1999. He performed over 2,000 procedures with some of the greatest foot and ankle surgeons of this generation. Whereas Dr. Berkowitz was renowned as the global leader in stem cell therapeutics plate rich plasma, and growth factor technologies related to lower extremities. These procedures are cutting edge, and provide an excellent alternative to surgery; and **Whereas** Dr. Berkowitz was an exceptional father, a good friend, and adoring husband to his wife Diana Berkowitz, who he shared his life and heart. Now therefore do we as Mayor and Commissioner of the City of Miami Beach, hereby proclaim March 18, 2016 as *“Dr. Kevin Berkowitz Day”* in the City of Miami Beach.”

**5:07:49 p.m.**

PA3 Certificates Of Recognition To Be Presented To North Beach Elementary School Students: Mia Borges, Lila Diamond, Tenleigh Edwards, Annika Gelber, Ben Kaplan, Olivia Moore, Ryen Rasmussen, And Their Team Coaches: Mrs. Temeyer And Leslie Diamond, For Taking First Place At The Regionals Odyssey Of The Mind Competition On February, 20, 2016.

(Sponsored by Commissioner John Elizabeth Alemán)

**ACTION:** Certificates of Recognition and Medals of Honor presented.

Commissioner Alemán welcomed the North Beach Elementary students who won first place in the regional Odyssey of the Mind Competition. The competition presented a problem titled “Aesop Gone Viral,” where students had to write their own screenplay, build sets, make costumes, and act out the play in front of judges. Their creativity and cleverness was top notch, and it earned them a spot at the State Championship to be held in Orlando on April 9, 2016. She congratulated the students, parents, and coach.

**5:20:36 p.m.**

PA4 Proclamation To Be Presented In Honor Of 2016 World Autism Awareness Month.  
(Sponsored by Commissioner Michael Grieco)

**ACTION:** Proclamation presented.

Commissioner Grieco stated that autism is prevalent in Miami Beach, and it needs to be addressed. He mentioned the efforts the City has taken to bring awareness to autism, such as the Autism Surf Camp, and lighting available buildings blue during the month of April. He introduced Ms. Liliana Salazar from Autism Speaks, and read the following proclamation into the record: "**Whereas** autism, the fastest growing developmental disability in the United States, affecting more than three million persons is an urgent public health crisis that demands a national response; and **Whereas** autism is the result of a neurological disorder that affects the normal functioning of the human brain and can affect anyone regardless of race, ethnicity, gender or socio-economic background. And **Whereas** symptoms and characteristics of autism may present themselves in a variety of combinations, and can result in significant life-long impairments of an individual to learn and develop healthy interactive behaviors and understand verbal and non-verbal communications; and **Whereas** the effort to address autism continues, doctors, therapists, and educators can help persons with autism overcome or adjust to its challenges and provide early accurate diagnosis, and the resulting appropriate education, intervention, and therapy that are vital to future growth and development; and **Whereas** ensuring that persons living with autism have access to life-long care and service needed to pursue the full measure of personal happiness and achieve the greatest potential. And **Whereas** the City of Miami Beach is honored to take part in an annual observance of Autism Awareness Month in the hope that it will lead to a better understanding of this disorder, and to raise public awareness of autism, and the myriad of issues surrounding autism, as well as the increased knowledge of programs that have been, and are being developed to support individuals with autism and their families. Now therefore do we as Mayor and Commissioners of the City of Miami Beach hereby proclaim the month of April as "*Autism Awareness Month*" in the City of Miami Beach."

Liliana Salazar, from Autism Speaks, thanked the City Commission for their efforts in bringing awareness of autism. She announced different events that would be taking place in April, including "Light It Up Blue" event on April 2, and the Autism Speaks Walk taking place on April 10.

**5:26:06 p.m.**

**NEW ITEM**

PA5 Certificate Of Appreciation To Be Presented To Michael DeFilippi, For Organizing The Spring Break Beach Clean-Up.

(Sponsored by Mayor Philip Levine)

**ACTION:** Certificate of Appreciation presented.

Mayor Levine acknowledged Mr. Michael DeFilippi for his efforts in helping clean up the beaches after Spring Breakers and visitors left so much trash behind. Mr. DeFilippi has brought awareness to many environmental issues in the City.

Michael DeFilippi thanked the City Commission. He stated that the amount of litter the Spring Breakers left on the beach was horrible. He thanked everyone for the support.

Commissioner Grieco spoke regarding the Beach Clean Up Project, and asked people to visit Volunteer Cleanup Organization at <http://www.volunteercleanup.org/>. He announced the Clean Up taking place on Saturday, April 9, 2016 at 10:00 a.m. starting on 4<sup>th</sup> Street. This effort will include cleanup and education.

## **REGULAR AGENDA**

### **R7 - Resolutions**

#### **5:29:26 p.m.**

R7A A Resolution Authorizing The City Manager And City Clerk To Execute A Temporary Easement Agreement With Miami-Dade County (County) For A Non-Exclusive Access And Staging Area Use Easement On City Property In Order To Provide 46 Street And 53 Street Beach Access Points To The County, Or Its Designee To Place Clean Sand On The City's Beaches Under A US Army Corps Of Engineers Beach Renourishment Program, Which Temporary Easement Agreement Is Attached Hereto As Exhibit 1.

(Environment & Sustainability)

**ACTION: Resolution 2016-29335 adopted.** Motion made by Commissioner Grieco; seconded by Commissioner Malakoff to adopt the Resolution; Voice-vote: 7-0. **Elizabeth Wheaton to handle.**

Rafael E. Granado, City Clerk, announced for the record, that a revised Temporary Easement Agreement was distributed on the dais.

Elizabeth Wheaton, Environment & Sustainability Director, stated that this easement is for the upcoming beach renourishment project, which is slated to begin in July 2016, to renourish the hot spots areas at 46<sup>th</sup> and 53<sup>rd</sup> Streets. This easement is provided to Miami-Dade County for staging.

Eve Boutsis, Deputy City Attorney, explained that this is to approve execution of a temporary easement agreement with Miami-Dade County.

Jimmy L. Morales, City Manager, recognized Eve Boutsis for negotiating this item with the County Attorneys. She did a phenomenal job.

Handouts and Reference Materials:

1. Temporary Easement Agreement

**5:30:26 p.m.**

R7B A Resolution Accepting The Recommendation Of The Neighborhood/Community Affairs Committee At Its February 12, 2016 Meeting, To Name The Stage In The North Shore Park Bandshell In Honor Of Mr. Clark Douglas Burris And, Pursuant To Section 82-503 Of The City Code, Setting A Public Hearing For April 13, 2016 And Directing The City Clerk To Publish The Appropriate Public Notice.

(Sponsored by Vice-Mayor Micky Steinberg & Commissioner Joy Malakoff)

(Legislative Tracking: Office of the City Attorney)

**ACTION: Resolution 2016-29336 adopted.** Motion made by Vice-Mayor Steinberg; seconded by Commissioner Malakoff to adopt the Resolution; Voice-vote: 7-0. Lilia Cardillo to place on the **April 13, 2016** Commission Agenda if received. **Office of the City Attorney to handle.**

Vice-Mayor Steinberg stated that Mr. Burris was an amazing teacher; his students knew him as “the man,” “the myth,” “the legend.” He passed away recently, and to commemorate his community work with all the children and creating all the music programs, she thought it would be fitting to name the Bandshell Stage after Clark Douglas Burris, as he has a great deal of community support and has impacted thousands of children and the community at large. This is just a formality, as the item is to come back in April for approval.

Proclamation found [here](#).

Rafael E. Granado, City Clerk, stated for the record, that the item would be heard as a public hearing at the Commission Meeting of April 13, 2016.

**5:31:28 p.m.**

R7C A Resolution Pursuant To Section 2-11, Of The Code Of Ordinances, The City Commission Desires To Clarify The Start Time Of City Commission Meetings By Providing For The Start Of Agenda Business Immediately After The Last Citizen Speaking During The Dr. Stanley Sutnick Citizens’ Forum Finishes.

(Office of the City Clerk)

**ACTION: Resolution 2016-29337 adopted.** Motion made by Commissioner Arriola; seconded by Commissioner Malakoff to adopt the Resolution; Voice-vote: 7-0. **Office of the City Clerk to handle.**

**DIRECTION:**

- Start agenda business immediately after the last citizen speaks during Dr. Stanley Sutnick Citizens’ Forum; if the 30 minutes allotted are not completely utilized.
- If speakers arrive after meeting commences, but before the 30 minutes allotted for the Dr. Stanley Sutnick Citizens’ Forum, notify the City Clerk and they will be recognized, time permitting.

Commissioner Malakoff asked Mr. Granado to introduce the item.

Rafael E. Granado, City Clerk, explained that when there are not enough speakers during Dr. Stanley Sutnick Citizens’ Forum, approving this item would allow the City Commission to commence the business of the Commission Meeting. He added that during the last meeting there were only a few speakers, followed by a 20-minute recess. This change would allow for the continuation of business when speakers are not available.

Commissioner Rosen Gonzalez is concerned that since it is an open forum, citizens can arrive at any time, as individuals may be at work or stuck in traffic.

Mayor Levine suggested that if speakers arrive, they can notify the City Clerk, and they will be recognized.

**5:32:50 p.m.**

**ADDENDUM MATERIAL 1**

R7D A Resolution Consenting To The Appointment Of Tonya Daniels As The Director Of The Office Of Communications For The City Of Miami Beach.  
(Human Resources)

**ACTION: Resolution 2016-29338 adopted.** Motion made by Commissioner Malakoff; seconded by Commissioner Alemán to adopt the Resolution; Voice-vote: 7-0. **Sylvia Crespo-Tabak to handle.**

Jimmy L. Morales, City Manager, explained that Administration had recently reorganized Communications Department and merged the Marketing Department from Tourism, Cultural and Economic Development. He asked Ms. Daniels to act as Interim Director, and in a short time she has gotten to an incredible start and changed a great deal of the dynamics. He presented Ms. Daniels and recommended her appointment as the Director of the Office of Communications.

Tonya Daniels thanked the City Commission and stated that she is honored and privileged to receive this opportunity and looks forward to working in this capacity.

Mayor Levine wished her the best.

No further discussion.

**R9 - New Business & Commission Requests**

**6:02:38 p.m.**

**ADDENDUM MATERIAL 1**

R9A Discussion Regarding The Coordination Efforts For Major Events On The Beachfront, Such As Spring Break And Floatopia.  
(Sponsored by Commissioner Ricky Arriola)

**ACTION:** Discussion held. **John Ripple, Max Sklar, Hernan Cardeno, Police Chief Oates, Fire Chief Virgilio Fernandez, Charles Tear, and John Rebar to handle.**

Commissioner Arriola stated that due to the great work this weekend of Michael DeFilippi and David Doebler, they brought awareness to the beach cleanup issue they had this weekend with the massive spring break crowds. He asked the City Administration to educate this City Commission and the public on what is involved in the beach cleanup efforts, as well as the overall crowd control during Spring Break.

Jimmy L. Morales, City Manager recognized staff who worked hard during Spring Break

month. The beaches are highly impacted during weekends, but it became clear last Friday, that Spring Break calls for a high impact activities. On public safety, in addition to increased staffing already in place, they started a modified Alpha-Bravo intense level of staffing, as well as extending the length of shifts, especially focusing on hot spots on Ocean Drive, between 7<sup>th</sup> and 11<sup>th</sup> Streets on Ocean Drive, on the parks and beaches. A squad will also be dedicated after Collins Avenue; they have the watchtower currently at 6<sup>th</sup> and 7<sup>th</sup> Street at Lummus Park. Another implementation for the next couple of weekends is the closure of Ocean Drive, between 7<sup>th</sup> and 11<sup>th</sup> Streets, to vehicular traffic, between 7 p.m., to 7 a.m.; valet operation will be moved to the side streets, and they will be barricading the west side of Ocean Drive, with ADA accessibility, to protect sidewalk cafés and allow the crowds to enjoy the street but at the same time allow visibility for City officers. One of the issues on Ocean Drive is the fact that cars cruising and playing music, that interaction creates a public and pedestrian safety issue. This will occur Friday, Saturday and Sunday this weekend, and the following weekend is Saturday, Sunday and ending on Monday, with the Miami Music Festival. Ocean Rescue will have a 10-hour shift until 7 p.m., with a two-person tower and an Ocean Rescue boat and Fire Rescue equipment on Ocean Drive to be prepared. They started the process that after 7 p.m., to prevent young people from drinking and drowning, they will try to clear the “hot” areas, between 7<sup>th</sup> and 11<sup>th</sup> Streets, prior to sunset and have crews clean up and make sure that no one is out there, especially with rip tides in order to prevent accidental drownings. Code Enforcement will increase staffing in 10-hour shifts during peak period times, and will be particularly focusing on dealing with alcohol laws; including public consumption, drinks leaving businesses, sales underage, and most importantly, the selling alcohol prohibition after midnight, pursuant to the City Code; vendors in violation will be shut down and the Code will be enforced. One of the many challenges encountered during beach crowds is the level of garbage left behind, and among the things implemented are 1) the process of sweeping the beach out; on Saturday, they reached out to the County who dedicated a crew of five to seven employees from 1 p.m. to 8 p.m., simply to do additional clean up; east of the dunes they have dedicated eight to ten Sanitation crew members and four to six Park folks to work with County staff. 2) Trash cans are emptied daily and 20 to 40 additional cans have been placed on the beach during high impact weekend. One of the challenges in beach cleaning is interacting with beach goers; however, they identify open areas to get in and clean. They have enhanced staffing with two portable bathrooms, and a rapid response team is there daily identifying major deficiencies before they come up. Signage to the beach is at the entryway with a list of prohibitions. Checkpoints are covered by Goodwill Ambassadors, Code Enforcement officers and Police officers, who check for bottles, glass and alcohol. Goodwill Ambassadors also provide information and advice the public. This is the effort, in conjunction with the County, which will continue to be made. He presented John Ripple, former County Beach Operation Director, who is here to share some thoughts.

Commissioner Grieco stated that this year crowds were bigger than expected for Spring Break, since these events are not tolerated in other areas in Florida. For example, Panama City changed and enforced their laws in a matter of weeks and students were turned away from Fort Lauderdale, so they ended up coming South. Miami Beach is a very tolerant City and people of all backgrounds and different schools are welcome to have a good safe time, but there were large crowds and there is no checkpoint to identify the locals from the Spring Break crowds visiting. Some of the problems were related from local folks, not college students, and that is something they need to deal with and adjust accordingly. He thinks the City Manager and Mr. Ripple and departments involved had made the appropriate adjustments for the remainder of the month. Commissioners Alemán, Arriola and he were out on the beach on Saturday doing what they could to assist.

Spring Break 2016 in Miami Beach slide show was presented.

John Ripple, Beach Maintenance Director, informed that County crew and equipment arrives between 6:00 a.m., and 6:15 a.m., to empty trashcans. They pick up garbage left on the sand on a regular basis during the daytime. He added that plastic items along with any glass remaining are removed by the ground crew during a daily sifting process, and by the end of cleanup, the waterline is spotless. The County has added 20 trashcans specifically placed between 4<sup>th</sup> and 7<sup>th</sup> Streets, which are emptied on a regular basis by County staff, Parks & Recreation Department, who are there until 9 p.m.

Commissioner Arriola wanted an informational report from the Administration. He wants to assure the community that the City is on top of this and they have a comprehensive plan in place. He requested keeping the information coming and asked the citizens to stay positive and bring concerns to their attention. He recognized Mr. Ripple for his efforts.

Mr. Ripple stated that a County employee mentioned liability, and in another instance social media followed a telephone call a County worker who could not be found, but he knew where he was. He added that he is committed 24/7 and they can call him directly.

Commissioner Arriola explained that the City's beaches are the greatest asset they have, and everything is magnified on the beach, and if there is garbage on the beach, it becomes international news. All eyes are on the City and that is why we need to raise the standards. He thanked all City Department Directors for their cooperation.

**5:07:14 p.m.**

**ADDENDUM MATERIAL 2**

R9B Referral To The Next Sustainability And Resiliency Committee - Discussion Pertaining To Using The Opportunity For Mangroves/Living Seawall Options On The Indian Creek Seawall.

(Sponsored by Commissioner Joy Malakoff)

**ACTION:** Item referred. Motion made by Commissioner Malakoff, seconded by Commissioner Grieco to refer the item to committee. **Elizabeth Wheaton to place on the committee agenda and to handle.**

No further discussion held.

**ADDENDUM MATERIAL 2**

R9C Discuss Moving Forward With The Placement Of Storm Water Drainage And Pump Stations In A Critical Area Near Mount Sinai Medical Center As Expeditiously As Possible To Protect The Safety, Health And Welfare Of Our Residents And Visitors.

(Sponsored by Commissioner Joy Malakoff)

**ACTION:** Item withdrawn by Commissioner Malakoff, the sponsor of the item, to be heard at subsequent Commission Meeting. Lilia Cardillo to place on the Commission Agenda if received.

**05:34:03 p.m.**

**ADDENDUM MATERIAL 3**

R9D Discussion Regarding The Vote On The Convention Center Hotel.  
(Sponsored by Commissioner Ricky Arriola)

**ACTION:** Discussion held. Heard in conjunction with item R9E. Motion made by Commissioner Arriola to have the City Manager look at all the options available, bring back to the City Commission to the **April 13, 2016** City Commission Meeting, and include ballot question in the November 8, 2016 Presidential Election; seconded by Commissioner Alemán. Lilia Cardillo to place on the Commission Agenda if received. **Maria Hernandez, Alex Denis and Rafael Paz to handle.**

**RECOMMENDATIONS:**

- Administration to come back with all options available to the **April 13, 2016** Commission Meeting; and include offering subsidies to make bidding more attractive
- If RFP issued, include staging area
- Give up green space to build Hotel, if necessary
- Similar model to be used for consensus over the Hotel to the North Beach Steering Committee model
- Create a Ribbon Panel Committee
- If necessary, call a Special Meeting to approve the ballot questions prior to September
- Consider the MBCC Hotel to be built smaller and integrate into green space
- Include ballot in the November 8, 2016 Presidential Election

Commissioner Arriola wanted to discuss the results of the vote on the Miami Beach Convention Center Hotel ballot question, which obviously did not receive the 60% votes required to move forward; however, he hopes that they can re-engage with the community to get everyone in the same room, so the community feels good about the project. Although the City did not meet the percentage threshold required, there is a majority of the voters who supported the question, and an overwhelming support of voters for the use of the funds. This indicates that there is an interest to see something done. He suggested building a coalition that could get the City the 60% needed. He supported the item as proposed; he was willing to go taller in order to have more green space and have a public park; but after the Special Election, as a compromise, now he is willing to give up some green space to build the Hotel if needed to do it right. The hotel is essential, and he wants to get back to the negotiating table. He asked the Administration and City Attorney how this could be accomplished by the November 8, 2016 General Election, when there will be a large voter turnaround.

Mayor Levine, first and foremost, recognized the following individuals who worked very hard and tirelessly for the good of the City: Wendy Walsh, who led a group of volunteers from the Hotel Workers Union; Michael Goldberg; former Commissioner Jerry Libbin, Bill Talbert; Bruce Orosz and Ray Breslin. He stated that although the majority of the residents voted in support of the hotel, 40% did not vote for that particular hotel, so they need to figure out how to accomplish and get this done, and work with staff to see if they need to potentially tweak the design, putting part of the hotel in the proposed park area, taking away some green space as Commissioner Arriola suggested, and do an RFP and open it up again. The City of Miami is doing a 1,700 Room Convention Center/Conference Center, but are asking the City for \$125 million worth of City subsidies to accomplish that; he does not know where Portman stands, but it is important for the Commission to instruct staff to go back and come up with options, have more community input and come back to hopefully get 60% voter approval in

November 8, 2016.

Commissioner Grieco reminded everyone that himself, Mayor Levine and Commissioner Malakoff were one of the officials involved in creating the 60% threshold two years ago, and he embraced it. Miami beach land is very valuable, this threshold is appropriate, and he stands by his position when it was created. This 60% threshold was put in the Charter two years ago because the voters put it on the Charter with a 51% threshold. He supports the concept of the Hotel, and regardless of what the Hotel looks like moving forward, he wanted to remind everyone that this is not an opportunity to split the City. He stated that he saw and heard some nasty things on both sides, flyers and robocalls for instance, and there were some organized well-funded nastiness; the type that it is seen more regularly in a campaign for office. He warned everyone that this will be seen again as there are PACs that are playing the games of thrones.

Mayor Levine also took the time to recognize Wendy Kallergis and Peggy Benua.

Commissioner Rosen Gonzalez is glad to hear that so many people acknowledged that there is a division, and both sides would like to be heard. In North Beach, the existing steering Committee's model is a balanced committee, where everyone has their voice heard and is working well; in order to get consensus over the Hotel, they should try to adopt a similar model for the MBCC Hotel, something where both sides are heard; this will be fair, or go to war and campaign and spend millions of dollars, but she does not think that people want that. They do want a similar vision.

Commissioner Arriola agrees; he wants the community to feel good about the Hotel and feel proud and excited about it. They will never get to 100%, but if they do not get to 60%, then they do not deserve to build it. He asked the City Commission to test itself, do something they can be proud of, and do whatever they need to do to get there; maybe form a Ribbon Panel Committee and move forward, find solutions and build a Hotel that they can be proud of.

Mayor Levine suggested making a motion to have staff coming up with ideas for the April Commission agenda and come up with options with group involvement, to have this on the ballot in November 8, 2016.

City Manager Morales stated that they can bring an RFP back; the critical issue is the location of the Hotel, which is either the P Lot or the area that was in the current lease; and this is a five (5) acre site as opposed to 2.65 acre, in terms of design, height and massing. Once they know the location, for a new process they have to go out to RFP, and to make it to the November ballot, the ballot question and lease has to be approved by July the latest.

**Clerk's Note:** The deadline to submit Resolutions to the Supervisor of Elections for questions to appear on the November 8, 2016 General Election is August 9, 2016.

Raul J. Aguila, City Attorney, stated that the City Commission could always call a Special Meeting to approve the ballot questions prior to September.

In answering Mayor Levine's question, City Manager Morales explained that during the last RFP process, only two bidders applied, but because the City required no subsidy, only one was deemed responsive. The reason there were two bidders is that having no subsidy makes a difference. In looking at the information that Jeff Sachs presented, there is almost no Hotel projects in the country that do not have some level of public subsidy. Portman was willing to move forward without subsidy, because they knew the project well and were willing to take that chance, but he does not know if Portman is willing to come back.

Commissioner Alemán explained that this was a complex and difficult deal to understand, and in addition to understanding what was being considered, and the impact it would have on this community with traffic, etc., they had entities trying to spread wrongful information. Even on Election Day, there was a great deal of misunderstanding, as she tried to clarify answers to voter's questions. She suggested including in the process, as they prepare moving forward, to have one or two public question and answer meetings to give accurate information.

City Manager Morales stated that this was an open and public process for a year and a half to two years.

Discussion held.

Commissioner Malakoff reiterated that most cities throughout the Country provide City subsidiaries, and it is something they need to talk about; she thinks the Hotel and the parking can co-exist with egress/ingress and locating it in the right part of the park. They should also look at the site where the Hotel was planned originally to be on for a staging area, for tents, etc. This was missing from the prior plan. She added that other shows had asked about staging area, and they should look into that and add it to the RFP, along with the Hotel.

Commissioner Rosen Gonzalez stated that if the RFP process is rushed, no bidders would apply. If the City builds a smaller Hotel, maybe someone will do it without a subsidiary. She thinks the Hotel should be smaller and more in scale, and if so, it can be integrated into the green space and not be so intrusive. They need to spend a great deal of time looking at the RFP, but thinks rushing it for the November 2016 General Election is not a good idea.

Mayor Levine does not agree, since they had a long RFP process with only one or two bidders; this is a Convention Center Hotel, for the purpose of attracting conventions. When visiting other Convention Center Hotels across the country, they make it clear that this is what they need. He thinks the goal is to build a MBCC Hotel to compliment the \$5 million being spent on the Convention Center. Unfortunately, like other cities, they may have to offer a subsidy if they want a Hotel built and this must be part of the conversations.

Commissioner Rosen Gonzalez stated that \$630 million were bonded for this project without knowing if the Hotel was going to be approved, and she thinks there was extra money embedded in that issue; they have already spent millions of dollars and asked if that money left can be used. She asked what kind of subsidy they are talking about.

City Manager Morales clarified that it was \$615 million, which included the soft costs; there was no extra money for the Hotel; if the decision was made to provide subsidy, these can be done through property tax abatements or grants, but they have not looked into it.

Mayor Levine suggested making a motion to instruct staff to come up with options and ideas, bringing it back on April 13, 2016, and include looking at subsidies to make it more attractive.

Commissioner Rosen Gonzalez clarified that they should bid without a subsidy.

Discussion held.

Commissioner Grieco reminded the City Commission and the audience that there is opposition for the City doing anything; opposition from folks outside of the City, some business interests outside and inside the City, and if a subsidy is included, these opposing

parties will write significant checks to fight any ballot question that is triggered. They City put a great deal of effort to not have subsidies, or amending the lease without going to referendum. They fought to keep it 100% privately funded. If this goes back out to referendum, there are people willing to spend money to kill their ability to be successful with the Convention Center. People were for and against the project, and whether it was height or design, people opposed to the Hotel, but there was an organized political opposition to this that was not part of the residents, it came from other parts of the country and the State. If it does not go to the Presidential ballot in November, the opponent's power will increase. He suggested placing on the ballot in November 8, 2016.

Commissioner Arriola added that it would be ideal to place it on the November ballot as they have the opportunity to piggyback with the County and have massive voter turnout. They just need 3% over to make it 60% and make a compromise, and he is ready to negotiate.

Commissioner Alemán stated that for residents that did not like height, location or design, that is the process; but she received emails every day on the NO side that did not come from advocate resident groups – many of the outside groups that did not even file their financial reports. The true resident population was not heard through this election, and that and the fact that they lost the deal without the subsidy upsets her.

Motion was made by Commissioner Alemán to direct the City Manager to come up with options. No second made.

Motion was made by Commissioner Arriola and work backwards to try to put an RFP

Raul J. Aguila, City Attorney, clarified that if Portman is still interested in negotiating with the City, there is a possibility to incorporate these things by virtue of a lease amendment, such amended lease would be a public record and then they go to the ballot with different terms. If they want to do a lease with a different developer, an RFP is one way to go; other alternative procurement options exist, such as unsolicited proposals and Chapter 163 of the Florida Statute, which is the Florida Government Development Agreement Act, which allows the City flexibility to negotiate with an identified developer without a solicitation process and commence negotiations directly. There are various options: 1) negotiate with Portman, 2) the competitive bidding group; the challenge is getting a new lease ready for the ballot in November, and 3) identify a developer and negotiate a new deal.

Mayor Levine suggested looking at all the options; such as amending the lease with Portman for that location, lowering the building, making the Hotel smaller, discuss this and see if that is how they want to move forward, or; do an RFP for a different location with any developer out there.

Mr. Aguila added that negotiations with Portman could also be in a different location. If they are talking about a lease amendment, what the City Commission would have to do is identify the site, and go out and negotiate. He wants the City Commission to know that at this point, there are competitive and non-competitive solicitations options that are available pursuant to Florida law.

Mayor Levine asked that the City Manager come back with all the options available with the goal to include in the November 8, 2016 ballot, with public input as always.

#### Handouts or Reference Materials:

1. Political paid advertisement paid for by People for Responsible Development, Inc., opposing the Convention Center Hotel.

**2. ADDENDUM MATERIAL 3**

R9E Discussion Regarding The Results Of The March 15, 2016 City Of Miami Beach Special Election.

(Sponsored by Commissioner John Elizabeth Alemán)

**ACTION:** Discussion held. See discussion with R9D. **Maria Hernandez to handle.**

**6:03:09 p.m.**

**ADDENDUM MATERIAL 3**

R9F Discussion Regarding Mitch Novick's "Minority" Report, And Recommendation Concerning The Deterioration Of The Quality Of Life In The MXE District, Ocean Drive, Collins Avenue And The Surrounding Neighborhood.

(Sponsored by Commissioner Kristen Rosen Gonzalez)

**ACTION:** Addendum item R9F was not added to the Commission Agenda, due to lack of vote to approve by 5/7. See Addendum Motion, Page 1.

**Reports and Informational Items**

1. Miami Beach Convention Center Construction Project Update (LTC No. 104-2016).  
(Office of the City Manager)

**End of Agenda**

Meeting adjourned at 6:25:00 p.m.