

# MIAMI BEACH

## City Commission Meeting

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

April 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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### 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 8:31:31 a.m.

#### **9:03:22 a.m.**

Inspirational Message given by Reverend Elizabeth Longo, from Unity on the Bay Church.

Pledge of Allegiance led by Police Chief Daniel Oates.

#### **9:10:48 a.m.**

#### **MOTION TO DEFER ITEM C7U (See full discussion under Item C7U.)**

Commissioner Arriola made a motion to defer item C7U indefinitely, until there is an actual offer of a Cuban Consulate; he added that at this time it is premature to discuss this Resolution. It is a divisive issue; they have listened to the community and more time to continue dialogue and engage is needed. We need to see how foreign policy works out. This is very emotional for all. He apologized to the community for anything that he said or did, and he did not mean to hurt anyone.

**9:09:51 a.m.**

**POINT OF ORDER**

Commissioner Grieco asked for a point of order, and stated that the item (C7U) has not even been addressed or read into the record by the City Clerk.

Raul J. Aguila, City Attorney, suggested having the City Clerk read the items separated and deferred into the record, and then call the motion and a second.

**ADDENDUM MATERIAL 1:**

C4Q R7O

**ADDENDUM MATERIAL 2:**

C4R R9DD

**ADDENDUM MATERIAL 3:**

R7P R7Q

**SUPPLEMENTAL MATERIAL 1:**

R7A Memorandum & Resolution

R7H Memorandum & Resolution

**SUPPLEMENTAL MATERIAL 2:**

C7V Memorandum & Resolution

R7I Agreement

**SUPPLEMENTAL MATERIAL 3:**

R7M1 Additional Information & Revised Resolution

**SUPPLEMENTAL MATERIAL 4:**

R9R Additional Information & Limited Conditions Assessment Report RE: Interior Flooding

**9:10:45 a.m.**

**City Clerk's Note:**

Pursuant to Ordinance 2015-3954, Sec. 2-12(3), addendum agenda items C4Q, C4R, C7I, R7O, R7P, R7Q and R9DD 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 (5/7<sup>th</sup>) affirmative vote.

Rafael E. Granado, City Clerk, announced that Commissioner Malakoff is sponsoring items C4L and C7V. Commissioners Grieco and Malakoff are co-sponsoring item C4M. He added that Commissioner John Elizabeth Alemán is co-sponsoring items C4D and C7U. Mr. Granado read the following corrections into the record:

**CORRECTIONS:**

- Item C7N, Page 514, the Agenda Item List should read “**Not to** Activate New Beachfront Concession At South Pointe Park Beach.”
- Item C7Q, on Pages 538, 539, 540, 543 and 544, all references to the address 1623 West Avenue should be corrected with 1625 West Avenue.
- Item R7K on Page 843, 4th paragraph, the reference to “Aramark” is being deleted and replaced with “Centerplate.”

**ITEMS DEFERRED:**

To the May 11, 2016 Commission Meeting C7I and R9O

To the April 27, 2016 Presentation and Awards Commission Meeting R5H, R7O and R9K

To the July 13, 2016 Commission Meeting companion items R7C and R7D

**ITEMS WITHDRAWN:**

R9U R9Z

**RELATED ITEMS:**

R9C R9U R9X

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

**CONSENT**

**10:27:16 a.m.**

**ACTION:** Motion made by Commissioner Alemán; seconded by Commissioner Malakoff to approve the Consent Agenda excluding separated items; Voice vote: 6-0; Absent: Commissioners Grieco.

**ITEMS SEPARATED:**

Items C7Q and C7V by Mayor Levine

Items C4B, C7O and C4G by Vice-Mayor Steinberg

Items C4D and C4K by Commissioner Alemán

Item C7U by Commissioner Arriola

Items C7V and C4I by Commissioner Grieco

Item C4G and C4K by Commissioner Malakoff

Items C4K and C7U by Commissioner Rosen Gonzalez

**CONSENT AGENDA****C2 - Competitive Bid Reports**

C2A Request Approval To Issue Request For Qualifications (RFQ) 2016-107-WG For Hosted Automatic Call Distribution Service.

(Procurement/Finance)

**ACTION:** Request approved. **Alex Denis and Allison Williams to handle.**

C2B Request Approval To Exercise Term Renewal Options On Contracts For Routine Operational Requirements.

(Procurement)

**ACTION:** Request approved. **Alex Denis to handle.**

C2C Request Approval To Issue Request For Qualifications (RFQ) 2016-115-AK For Noise, Acoustic And Sound Consulting Services.

(Procurement/Planning)

**ACTION:** Request approved. **Alex Denis and Thomas Mooney to handle.**

C2D Request For Approval To Issue Request For Qualifications (RFQ) 2016-108-WG For A Surveillance Security System Consultant.

(Procurement/Emergency Management)

**ACTION:** Request approved. **Alex Denis and Chuck Tear to handle.**

C2E Request For Approval To Issue A Request For Qualifications (RFQ) No. 2016-124-KB For Architectural And Engineering Design Criteria Professional Services For Mixed-Use Parking Garages.

(Procurement/Capital Improvement Projects)

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

#### **C4 - Commission Committee Assignments**

C4A Referral To The Land Use And Development Committee - Discussion Pertaining To A Paperless Agenda System For All Of The City Land Use Boards.

(Planning)

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

#### **3:20:43 p.m.**

C4B Referral To The Land Use And Development Committee To Discuss Future Rooftop And Deck Accessory Bar Uses In The Sunset Harbour Neighborhood.

(Sponsored by Commissioner Michael Grieco)

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

Vice-Mayor Steinberg stated that she did not have enough information on the item, and would like to know what Commissioner Grieco would like to discuss regarding rooftop accessory bar uses.

Commissioner Grieco explained that they are working on an Ordinance to limit certain uses and hours of operations for the Sunset Harbour neighborhood, and make it something similar to what is being done in the South of Fifth neighborhood.

Handouts and Reference Materials:

1. Email from Bruce Backman [bruce.backman@yahoo.com](mailto:bruce.backman@yahoo.com) dated April 8, 2016, RE: Commission meeting 4/13/16 Agenda Item C4B rooftop and deck accessory bars in Sunset Harbour.
2. Email from Commissioner Michael Grieco dated April 8 2016, RE: Commission meeting 4/13/16 Agenda Item C4-B rooftop and deck accessory bars in Sunset Harbour.

- C4C Referral To The Land Use And Development Committee To Discuss Operational Regulations For Alcoholic Beverage Establishments South Of Fifth Street.  
(Sponsored by Commissioner Michael Grieco)

**ACTION:** Item referred. **Thomas Mooney to place on the Committee Agenda; Hernan Cardeno to handle.**

**10:28:12 a.m.**

- C4D Referral To Neighborhood/Community Affairs Committee: Discussion And Action Plan Related To Combating Illegal Short Term Rentals Citywide.  
(Sponsored by Commissioner Michael Grieco &  
Co-Sponsored by Commissioner John Elizabeth Alemán)

**ACTION:** Item referred. Item separated by Commissioner Alemán. Motion made by Commissioner Malakoff; seconded by Commissioner Grieco; Voice-vote: 7-0. **Morgan Goldberg to place on the Committee Agenda. Hernan Cardeno to handle.**

Commissioner Alemán stated that she hopes the City can eventually negotiate with Airbnb, because they have the data the City needs to properly collect taxes and enforce codes where illegal short-term rentals are taking place. The City currently has a complaint driven process, but they are looking into having a proactive process to go after illegal short-term rentals. Short-term rentals not only deprive the City of taxes, but they also put residents in jeopardy.

- C4E Referral To The Land Use And Development Committee: Discussion Regarding Incentivizing The Retention, Raising And/Or Relocation Of Historic/Architecturally Significant Single Family Homes (SFH).  
(Sponsored by Commissioner Michael Grieco)

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

- C4F Referral To The Sustainability And Resiliency Committee To Discuss Drafting A Resolution Asking Miami-Dade To Ban Flubendiamide Within Its Agricultural Industry.  
(Sponsored by Commissioner Ricky Arriola)

**ACTION:** Item referred. **Elizabeth Wheaton to place on the Committee Agenda and to handle.**

**2:20:29 p.m.**

- C4G Referral To The Land Use And Development Committee And The Planning Board An Amendment To Sec 142-1111 Of The City Code To Address The Eligibility Requirements For The Short-Term Rental Of Apartment Units Within The Collins Waterfront Local Historic District.  
(Sponsored by Commissioner Michael Grieco)  
(Legislative Tracking: Planning)

**ACTION: Item not referred.** Item separated by Vice-Mayor Steinberg and Commissioner Malakoff. Motion made by Commissioner Grieco; seconded by Commissioner Alemán; Voice vote: 2-5; Opposed: Mayor Levine, Vice-Mayor Steinberg and Commissioners Arriola, Rosen Gonzalez, and Malakoff.

Vice-Mayor Steinberg stated that she did not have enough information on the item, and asked for clarification.

Commissioner Malakoff stated that she separated this item as Vice-Mayor Steinberg did, because she received several telephone calls and e-mails from people who live in the Collins Waterfront Historic District who stated that they do not want short-term rentals in their neighborhood.

Thomas Mooney, Planning Department Director, introduced the item. He explained that in 2014 the short-term rental Ordinance was amended to allow these rentals in the Collins Waterfront Historic District, specifically geared towards the Tradewinds, which is a building complex that had been renovated. There was a list of benchmarks that needed to be addressed by that specific building and the Mantell Plaza across the street; however, the Mantell Plaza did not go through the necessary benchmarks that would allow it to have short-term rentals. The window has now passed for the Mantell Plaza to do what is necessary to allow short-term rentals, but the owners are asking to amend the Code to allow them to go through the necessary procedures to have short-term rentals. This amendment would only cover the Mantell building.

Commissioner Malakoff asked if there are currently any long-term and short-term rentals at the Mantell Plaza.

Ray Breslin, Miami Beach Resident, gave a brief history of the Mantell Plaza, and stated that there has been a rental program since it was built in 1993. He explained that any of the units could be used for rentals, and approximately 20 apartments are legally used for transient rentals. He asked for the opportunity to allow all units to be used for short-term rentals, as is the case with the Tradewinds.

Mayor Levine stated that he is against short-term rentals.

Dennis Lennox, Resident of the Mantell Plaza, further explained the history of the Mantell Plaza, and how some units were allowed to have short-term rentals. He believes short-term rentals should not be allowed, given that this neighborhood is in an RM-1 zone.

- C4H Referral To The Finance And Citywide Projects Committee To Consider And Explore The Impact Of A Car Sharing Pilot Program.  
(Sponsored By Commissioner Kristen Rosen Gonzalez)

**ACTION: Item referred. Allison Williams to place on the Committee Agenda. Jose Gonzalez to handle.**

**2:15:00 p.m.**

- C4I Referral To The Finance And Citywide Projects Committee - A Review Of The Fine Schedule For Littering On The Beach.  
(Sponsored by Commissioner Joy Malakoff)

**ACTION:** Item referred. Item separated by Commissioner Grieco. Motion made by Commissioner Malakoff; seconded by Commissioner Arriola; Voice vote: 6-1; Oppose: Commissioner Grieco. **Allison Williams to place on the Committee Agenda. Eric Carpenter to handle.**

Commissioner Grieco explained that he separated this item, because he would like to know where this item is going in terms of the fine schedule, which the City Commission voted on last December.

Commissioner Malakoff explained that the City should not make regulations or fines that are not enforceable. The first fine for littering on the beach is for \$1,000, she believes this is too high, because most of the trash on the beach is left by young people, who generally cannot afford a \$1,000 fine. She asked to relook at the fines and make it more reasonable such as \$25 for first offence.

Commissioner Grieco stated that the fine amounts can be a billion dollars and that would not change the fact that it is extremely unlikely for someone from out of town to pay. Unless someone owns property in Miami Beach, there is little the City can do to collect the fines. He gave the example of the limitations Code Enforcement Officers face with simple requests such as asking someone to come to them or provide their name. He believes having signage with what has been called "draconian" fines is an adequate deterrent. He asked if the item is to be referred; it should be referred to the Sustainability & Resilience Committee and not the Finance & Citywide Projects Committee.

Commissioner Malakoff stated that she wants further information and whether fines have been collected, summonses have been issued, or whether the fines are being completely ignored. She believes the fines could still be more reasonable, such as the \$25 example she provided.

- C4J Mayor Levine asked to refer the item, and see what conclusions the Finance Committee provides.  
Referral To The Planning Board - Proposed Amendment To Chapter 142 Of The Land Development Regulations Of The City Code Pertaining To Hall For Hire Establishments In The Museum Historic District.  
(Sponsored by Commissioner Joy Malakoff)  
(Legislative Tracking: Planning)

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

**1:22:36 p.m.**

C4K Referral To The Planning Board - Proposed Amendment To Chapter 142 Of The Land Development Regulations Of The City Code Pertaining To Short Term Rentals On Harding Avenue In North Beach.

(Sponsored by Commissioner Michael Grieco)  
(Legislative Tracking: Planning)

**ACTION:** Item referred. Item separated by Commissioners Alemán and Rosen Gonzalez. Motion made by Commissioner Grieco as recommended; seconded by Commissioner Alemán; Voice vote: 4-3; Opposed; Mayor Levine, Vice-Mayor Steinberg and Commissioner Rosen Gonzalez. **Thomas Mooney to place on the board agenda and to handle.**

**RECOMMENDATIONS:**

- Ordinance amendment mirrors language for Flamingo Park, with same short-term rental rules that apply to same type of buildings
- Refer to Planning
- Frontloading the renovations
- Full notification to residents of Harding Avenue and the Administration at Biscayne Elementary

Commissioner Rosen Gonzalez stated that this item will allow certain buildings on Harding Avenue to have short-term rentals. The residents of this area have not been consulted, and she believes that short-term rentals will be destructive to the neighborhood.

Commissioner Malakoff stated that she agrees with Commissioner Rosen Gonzalez that short-term rentals are harmful, not helpful to neighborhoods. There are many buildings on Harding Avenue that are in need of renovation, and if this item goes forward, she asked that the buildings be renovated first, and then allowed to have short-term rentals.

Commissioner Alemán added that the intent of this item was to give a better economic case for property owners to preserve these buildings. She believes this item needs to be referred to the Planning Board for further input. The City needs to make sure that current property owners do not take advantage and rent their properties, without enhancing the area and doing the necessary repairs.

Vice-Mayor Steinberg stated that she will not support such a measure, but does not oppose referring the item to the Planning Board for discussion. She reminded the City Commission that these buildings are in an RM-1 District, and cautioned that it is not the right district for short-term rentals.

Mayor Levine agreed with Vice-Mayor Steinberg, as he is also against short-term rentals.

Commissioner Grieco stated that this item originated from the North Beach Blue Ribbon Panel, and the motivation behind it was addressed at the LUDC. This item essentially gives financial incentives to prevent the owners from knocking the buildings down, and replacing them with hotels.

Commissioner Rosen Gonzalez asked if the neighbors of this community had been notified that these buildings will allow short-term rentals.

Thomas Mooney, Planning Department Director, explained that tenants of the buildings will be notified, and they can arrange to notify all the property owners after the Planning Board meeting.

Commissioner Rosen Gonzalez suggested going to the Principal of Biscayne Elementary be notified as there are many children who live in this area, and she believes short-term rentals will negatively affect the area.

Commissioner Malakoff will vote against this item, unless the buildings are to be renovated before they can be rented out. She agreed with the notification process.

Commissioner Arriola expressed that the intent of this item was to preserve Harding Avenue, but if short-term rentals will negatively affect the area, they can look for alternatives, such as naming the area a Historic District.

Michael Larkin, Esq., stated that the buildings can be demolished by the owners. He is in favor of having the buildings renovated for the short-term rentals, but asked for a renovation time period, because some owners may not have the finances available for immediate renovation.

Discussion held.

Commissioner Grieco made a motion to adopt the same rules applied to the buildings in the Flamingo Park area, which is where they got the language from; refer to Planning, with Commissioner Malakoff's adjustment about frontloading the renovations, and full notification to residents of Harding Avenue and the Biscayne Elementary area.

Vice-Mayor Steinberg added that in terms of renovating these historic buildings, there is no need to open up the short-term rentals. There is a notable difference between North Beach and South Beach, which is where the Flamingo Park is located.

- C4L Referral To The Land Use And Development Committee And The Planning Board - Proposed Comprehensive Plan Amendment Related To Sea Level Rise And Compliance With 2015 Florida Senate Bill 1094, Entitled "Peril Of Flood."  
 (Planning)  
 (Sponsor Commissioner Joy Malakoff)

**ACTION:** Item referred. **Thomas Mooney to place on the committee and board agendas and to handle.**

- C4M Referral To The Finance And Citywide Projects Committee And The Miami Beach Cultural Arts Council A Discussion Regarding Miami New Drama Becoming The Resident Theater And Venue Manager For The Colony Theater As A Pilot Program.  
 (Sponsored by Vice-Mayor Micky Steinberg  
 Co-Sponsored by Commissioner Michael Grieco and Commissioner Joy Malakoff)

**ACTION:** Item referred. **Allison Williams and Max Sklar to place on the Committee Agendas. Max Sklar to handle.**

Handouts and Reference Materials:

- 1. Email from Rafael Granado dated April 7, 2016 RE: C4M Miami New Drama.

- C4N Referral To The Sustainability And Resiliency Committee A Discussion Regarding How Green Infrastructure Including Living Or Hybrid Shorelines Can Complement Grey Infrastructure In Our Climate Adaptation On Going Work.  
(Sponsored by Vice-Mayor Micky Steinberg)

**ACTION:** Item referred. **Elizabeth Wheaton to place on the Committee Agenda and to handle.**

- C4O Referral To The Neighborhood/Community Affairs Committee To Discuss The City Of Miami Beach Conducting A Design Competition For An Iconic Crosswalk/Intersection On 12<sup>th</sup> And Ocean.  
(Sponsored by Commissioner Ricky Arriola)

**ACTION:** Item referred. **Morgan Goldberg to place on the Committee Agenda. Eric Carpenter and Jose Gonzalez to handle.**

- C4P Referral To The Finance And Citywide Projects Committee To Discuss The Creation Of The City Of Miami Beach Transportation Fund.  
(Sponsored by Mayor Philip Levine)

**ACTION:** Item referred. **Allison Williams to place on the Committee Agenda. Allison Williams and Jose Gonzalez to handle.**

#### **ADDENDUM MATERIAL 1**

- C4Q Referral To The Land Use And Development Committee - Discussion On The Transit Hub On The 500 Block Of Alton Road.  
(Sponsored by Commissioner Ricky Arriola)

**ACTION:** Item referred. **Thomas Mooney to place on the Committee Agenda. Jose Gonzalez to handle.**

#### **ADDENDUM MATERIAL 2**

- C4R Referral To The Land Use And Development Committee To Discuss Non-Conforming Use Amendments.  
(Sponsored by Commissioner Ricky Arriola)

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

**C6 - Commission Committee Reports**

C6A Report Of The March 30, 2016 Land Use And Development Committee Meeting: **1.** Discussion Regarding A Proposed Zoning Ordinance Amendment To Allow A 'Hall For Hire' As A Conditional Use Within Existing Religious Institutions Located Within The Museum Local Historic District And In The RM-2 Zoning District. **2.** Proposed Ordinance Setting Forth Demolition Procedures For All Single Family Homes, Regardless Of The Year Of Construction. **2a.** Discussion: Proposed Ordinance Pertaining To Demolition Procedures. **2b.** Discussion: Potential Fiscal And Review Process Impacts Of Having All New Single Family Home Construction Reviewed By The Design Review Board. **3.** Discussion Pertaining To A Proposed Ordinance Amendment To Create Operational Regulations For Alcoholic Beverage Establishments Adjacent To The Palm View And West Avenue Residential Areas. **4.** Discussion Regarding Short Term Rentals In North Beach. **5.** Discussion Regarding A Complete Review Of Sign Ordinances. **6.** Discussion Regarding The Removal Of Carlos Zapata "Wing" Structure On Lincoln Road. **7.** Discussion Regarding Incentivizing Workforce Housing In The Private Sector. **8.** Discussion On Air Rights. **9.** Discussion Regarding The City Of Miami Beach's Building Permit Application Process. **10.** Discussion Regarding The Impact Of A Partial Modification Of Ordinance 2014-3876 As It Relates To A FAR Interpretation.

**ACTION:**

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

**MOTION: JA/MG (3-0)**

Refer the Ordinance to the Planning Board.

2. Proposed Ordinance Setting Forth Demolition Procedures For All Single Family Homes, Regardless Of The Year Of Construction.

- 2a. Discussion: Proposed Ordinance Pertaining To Demolition Procedures.

**MOTION: JA/MG (3-0)**

Recommend approval of the Ordinance, including a modification that it apply to improvements to a single-family lot, in addition to new homes.

(Note: original referral was to both Land Use and Development Committee AND the Planning Board)

- 2b. Potential Fiscal & Review Process Impacts Of Having All New Single Family Home Construction Reviewed By DRB.

**MOTION: MG/JA (3-0)**

Recommend that the item be continued to April 20, 2016, and that the following information be brought back for discussion:

- a. The City Attorney shall provide draft ballot language pertaining to an ethics Ordinance modification for design professionals serving on both a new, rotating board of architects, as well as the existing City Land Use Boards.
    - b. The Planning Department shall obtain information on the City of Coral Gables Board of Architects process, and put together an outline of how such a process might be implemented in the City of Miami Beach.

3. Proposed Ordinance Amendment To Create Operational Regulations For Alcoholic Beverage Establishments Adjacent To The Palm View And West Avenue Residential Areas.

**MOTION: MG/JA (3-0)**

- a. Recommend that the Commission approve the Chapter 6 Ordinance, with a modification that projects that have a BTR or land use board approval can continue forward as of the effective date of the Ordinance.
- b. Recommend that the City Commission refer the Chapter 142 Ordinance related to the Land Development Regulations be referred to the Planning Board.

4. Discussion Regarding Short Term Rentals In North Beach.

**MOTION: MG/JA (2-1)**

Recommendation that the City Commission refer the proposed Ordinance to the Planning Board with the following modifications:

- a. Only properties with a 'contributing' structure shall be eligible;
- b. There may be a mix of short and long-term rental units within a building, provided that long-term lease tenants are notified when short-term rental units are occurring in a building;
- c. To allow for up to a three-year renovation period for the structure;
- d. To permit management of the property from within the district;
- e. To allow for an open application window for short term rentals.

5. Discussion Regarding A Complete Review Of Sign Ordinances.

**MOTION:** Continued to April 20, 2016 by acclamation.

6. Discussion Regarding The Removal Of Carlos Zapata "Wing" Structure On Lincoln Road.

**MOTION: MG/JA (3-0)**

Recommend that the structure be removed.

**City Clerk's Note:** See Item C7P

7. Discussion Regarding Incentivizing Workforce Housing In The Private Sector.

**MOTION:** The item was continued to April 20, 2016 by acclamation.

8. Discussion On Air Rights.

**MOTION:** The item was continued to May 18, 2016 by acclamation.

9. Discussion Regarding The City Of Miami Beach's Building Permit Application Process.

**MOTION:** The item was discontinued by acclamation.

10. Discussion Regarding The Impact Of A Partial Modification Of Ordinance 2014-3876 As It Relates To A FAR Interpretation.

**MOTION:** The item was discontinued by acclamation.

C6B Report Of The March 11, 2016 Neighborhood/Community Affairs Committee Meeting: **1.** Discussion Regarding Revisions To The Beachfront Concession Rules And Regulations. **2.** Discussion Regarding Citywide Street Light And Coverage Audit. **3.** Discussion Regarding Proposed Beach Concession East Of South Pointe Park. **4.** Discussion Regarding Proposed Site Options For New Fire Station No. 1. **5.** Discussion Regarding Implementing A Rainbow Crosswalk At The Intersection Of Ocean Drive And 12<sup>th</sup> Street On Miami Beach. **6.** Discussion Regarding A Commercial Use Permit Fee For City-Owned Property And City Parks Facilities. **7.** Discussion On Encroachments In The Public Right-Of-Way. **8.** Monthly Progress Reports For The Following Miami Beach Feeder Pattern Schools: Feinberg Fisher; Biscayne Elementary; Treasure Island; And Nautilus Middle School. **9.** Report From Miami-Dade County Public Schools On The Status Of The Action Plan Related To Nautilus Middle School And Progress To Date. **10.** Discussion Regarding Naming The Accessible Beach And Playground At Allison Park, 65<sup>th</sup> Street And Collins Avenue, "Sabrina's Beach And Playground At Allison Park". **11.** Wellness Center Update. **12.** Monthly Crime Update. **13.** Discussion On Public Waterborne Transportation Concession Services. **14.** Traffic Management Alternatives Discussed At The February 24, 2016 Commission Workshop On Traffic Management. **15.** Discussion On Traffic Calming Efforts On Prairie Avenue And In Bayshore Neighborhood. **16.** Discussion Regarding Improving 72<sup>nd</sup> Street, Between Abbott And Dickens (Near The North Shore Youth Center), Including Adding Crosswalks, Lighting, Angled Parking And Fixing Sidewalks.

**ACTION:**

1. Revisions To Beachfront Concession Rules And Regulations.  
**DIRECTION:** Defer to the April NCAC Meeting.
2. Discussion Regarding Citywide Street Light and Coverage Audit.  
**DIRECTION:** Come back to NCAC after the photometric analysis is completed.
3. Proposed Beach Concession East of South Pointe Park  
**MOTION:** Commissioner Grieco motioned to accept recommendations from the Office of the City Manager not to have a beachfront concession east of South Pointe Park. Vice-Mayor Steinberg seconded. All in favor.
4. Discussion Regarding Proposed Site Options For New Fire Station No. 1.  
**VOTE OF ACCLAMATION TO ACCEPT OPTION 5:** Consent the new facility in the Flamingo Park side of the parking lot, east of the Police Athletic League.  
**DIRECTION:** Come back to April NCAC meeting with details about option five and ideas of what they could do with the existing fire station.
5. Implementing A Rainbow Crosswalk At The Intersection of Ocean Drive & 12th Street on Miami Beach.  
**DIRECTION:** Come back to April NCAC meeting with sample of material and update for the permanent installation.
6. Commercial Use Permit Fee For City-Owned Property And City Parks Facilities.  
**DIRECTION:** Come back to the May NCAC meeting with more information.
7. Discussion On Encroachments In The Public Right-Of-Way  
**DIRECTION:** Defer to the April NCAC Meeting.

8. Monthly Progress Reports For Miami Beach Feeder Pattern Schools: Feinberg Fisher; Biscayne Elementary; Treasure Island; And Nautilus Middle School  
**DIRECTION:** Come back in to May NCAC meeting.
9. Report From MDC Public Schools/Status Of Action Plan Related To Nautilus Middle School And Progress To Date.  
**DIRECTION:** Combine this item with item 9 and come back bi-monthly.
10. Naming The Accessible Beach And Playground At Allison Park, 65th Street And Collins Avenue, "Sabrina's Beach And Playground At Allison Park"  
**DIRECTION:** Come back to April NCAC meeting with more information of legalities and details.
11. Wellness Center Update  
**DIRECTION:** Remove item from agenda.
12. Monthly Crime Update  
**NO ACTION TAKEN**
13. Discussion On Public Waterborne Transportation Concession Services.  
**MOTION:** Commissioner Grieco motioned to move this forward conceptually and discuss it further at the full commission. Commissioner Alemán seconded.  
Conceptually all in favor.
14. Traffic Management Alternatives Discussed At The February 24, 2016 Commission Workshop On Traffic Management  
**DIRECTION:** Come back to April NCAC meeting.
15. Traffic Calming Efforts On Prairie Avenue & Bayshore Neighborhood  
**DIRECTION:** Come back to April NCAC meeting and keep item on the agenda for the next couple of months to discuss what can be done in the short term and prioritizing the area in the longer short term.
16. Improving 72nd Street, Between Abbott & Dickens Including Adding Crosswalks, Lighting, Angled Parking And Fixing Sidewalks  
**MOTION:** Vice-Mayor Steinberg motioned for this to go to the full commission in April. Commissioner Alemán seconded. All in favor.

C6C Report Of The March 18, 2016 Finance And Citywide Projects Committee Meeting: **1.** Discussion Regarding Whether Or Not To Pursue Food And Beverage Concessions For Soundscape Park, Collins Park, And The Miami Beach Botanical Garden. **2. A.** Discussion Regarding Parking Demand Analysis/Walker Parking Consultants; **B.** Discussion Regarding A Public Private Partnership For A Two-Story Parking Structure To Be Erected Over Both City Parking Lot P62 And A Private Parking Lot, On 42<sup>nd</sup> Street, Between Jefferson Street And Meridian Avenue; **C.** Discussion Regarding The Construction Of A Parking Garage At The 27<sup>th</sup> Street And Collins Avenue Parking Lot; **D.** Discussion Regarding A Potential Public-Private Partnership With 1234 Partners, LTD. For A Parking Garage On The 1200 Block Of Washington Avenue. **3.** Discussion Regarding Proposed Site Options For New Fire Station No. 1. **4.** Discussion Regarding Nonpayment Of Stormwater Fees By Miami Dade County Public Schools. **5.** Discussion Seeking Citywide Wi-Fi Solutions And CMB Becoming Its Own Internet Service Provider. **6.** Discussion Regarding Time Capsule 2066. **7.** Discussion Regarding The Creation Of The Ocean Court Green Alley Española Way (East) Green Alley. **8.** Discussion Regarding Implementing An Open Data Policy. **9.** Discussion Regarding The Use Of Community Development Block Grant (CDBG) Funds As Rent Subsidy For Tenants Of The Allen Apartments.

**ACTION:**

1. Pursue Food & Beverage Concessions For Soundscape Park, Collins Park, and Miami Beach Botanical Garden.

**ACTION:** The Committee recommended staff bring this item back to the Finance Committee with a recommendation after doing some further analysis.

2. **A.** Parking Demand Analysis/Walker Parking Consultants;  
**B.** Public Private Partnership/Two-Story Parking Structure To Be Erected Over City Parking Lot P62 & A Private Parking Lot, On 42<sup>nd</sup> Street, Between Jefferson Street & Meridian Avenue;  
**C.** Discussion Regarding Construction Of Parking Garage At The 27<sup>th</sup> Street And Collins Avenue Parking Lot;  
**D.** Potential Public-Private Partnership With 1234 Partners, LTD. For A Parking Garage On The 1200 Block Of Washington Avenue.

**ACTION:** The Committee recommended moving forward with Workforce Housing at the following identified co-locations for housing and potential parking garage expansion:

- City Parking Lot No. 55, 2660 Collins Avenue
- City Parking Lot No. P23, 1623 West Avenue
- City Parking Lot No. P24, 1671 West Avenue
- City Parking Lot No. P13, 1000 Washington Avenue

The Committee also recommended:

- Providing a liner with neighborhood retail or art studios on the 1<sup>st</sup> level
  - Provide consideration for increased height up to 75 feet depending on the neighborhood context
  - Design the garage component to be flexible to be converted to workforce housing in the long term, if parking demand declines
- For the 2660 Collins lot, the Administration should develop a concept design that enhances the impact on the neighbors and work with the neighbors.

3. Proposed Site Options For New Fire Station No. 1.

**ACTION:** Item deferred.

4. Discussion Regarding Nonpayment Of Stormwater Fees By Miami Dade County Public Schools.  
**ACTION:** The Committee recommended staff move forward with legal proceedings for the collection of the current balance owed in the amount of \$1,117,702.81.
5. Discussion Seeking Citywide Wi-Fi Solutions And CMB Becoming Its Own Internet Service Provider.  
**ACTION:** The Committee took no action and recommended for staff to bring this item back in 3 months to the Finance Committee.
6. Discussion Regarding Time Capsule 2066.  
**ACTION:** The Committee recommended moving forward with an iconic above the ground Time Capsule dedicated to climate change and sea level rise to show a re-branding effort that the community cares deeply about preserving the environment for future generations.
7. Discussion Regarding The Creation Of The Ocean Court Green Alley Española Way (East) Green Alley.  
**ACTION:** Item deferred.
8. Discussion Regarding Implementing An Open Data Policy.  
**ACTION:** The Committee recommended staff do further research on open data strategies being executed in other areas. This research is to include cost, the proper governance model, talking to other cities and creating a timeline that can be brought back to the Finance Committee.
9. Discussion Regarding The Use Of Community Development Block Grant (CDBG) Funds As Rent Subsidy For Tenants Of The Allen Apartments.  
**ACTION:** The Committee recommended not moving forward with this item.

C6D Report Of The March 30, 2016 Sustainability And Resiliency Committee Meeting: **1)** Mayor's Blue Ribbon Panel On Flooding And Sea Level Rise – Update. **2)** Sustainability Committee – Update. **3)** Resiliency Strategy - Update. **4)** Discussion On Implementing City Wide Textile And Electronic Recycling. **5)** Discussion On Prohibiting Contractors From Using Roundup And Other Chemicals Labeled As Carcinogens In Public Spaces. **6)** Discuss The Elimination And/Or Phasing Out Of Gas-Powered Leaf Blowers. **7)** Discussion Regarding Green Corridor Program As Authorized Under Section 163.01, Florida Statutes, NKIA The Green Corridor Property Assessment Clean Energy (PACE) District. **8)** Discussion On Miami-Dade County's Grease Discharge Permitting Program Within Miami Beach. **9)** Discussion On The Seabin Project As An Option To Reduce Litter In The City's Waterways. **10)** Update On The Woosh Smart Water Stations Pilot Program.

**ACTION:**

- 1) Mayor's Blue Ribbon Panel On Flooding And Sea Level Rise – Update.  
**ACTION:** No further action taken.
- 2) Sustainability Committee – Update.  
**ACTION:** No further action taken.
- 3) Resiliency Strategy - Update.  
**ACTION:** Continued to the April 27, 2015 Sustainability and Resiliency Committee.

- 4) Discussion On Implementing City Wide Textile And Electronic Recycling.  
**MOTION:** Proceed with negotiating with an electronic waste recycler that has an EPA certification such as R2 or eStewards.  
Motion made by Commissioner Arriola, seconded by Commissioner Rosen- Gonzalez.
  
- 5) Discussion On Prohibiting Contractors From Using Roundup And Other Chemicals Labeled As Carcinogens In Public Spaces.  
**MOTION:** Create and adopt a Resolution to establish an Integrated Pest Management (IPM) plan that follows best management practices.  
  
Motion made by Commissioner Arriola, seconded by Commissioner Rosen-Gonzalez.
  
- 6) Discuss The Elimination And/Or Phasing Out Of Gas-Powered Leaf Blowers.  
**MOTION:** Establish a pilot program of one electric leaf blower and battery pack limited to the City Hall area.  
Motion made by Commissioner Rosen-Gonzalez, seconded by Commissioner Arriola.
  
- 7) Discussion Regarding Green Corridor Program As Authorized Under Section 163.01, Florida Statutes, NKIA The Green Corridor Property Assessment Clean Energy (PACE) District.  
**MOTION:** Refer item to the City Commission with a favorable recommendation.  
Motion made by Commissioner Rosen-Gonzalez, Seconded by Commissioner Arriola
  
- 8) Discussion On Miami-Dade County's Grease Discharge Permitting Program Within Miami Beach.  
**MOTION:** No further action taken.
  
- 9) Discussion On The Seabin Project As An Option To Reduce Litter In The City's Waterways.  
**MOTION:** Item continued until an update is available.
  
- 10) Update On The Woosh Smart Water Stations Pilot Program.  
**MOTION:** Item continued until an update is available.

**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 The Following Grants And Funding Requests: 1) US Department Of Transportation, Transportation Income Generating Economic Recovery Program (TIGER) In The Approximate Amount Of \$10 Million For Miami Beach Recreational Corridor; 2) US Department Of Transportation, Transportation Income Generating Economic Recovery Program (TIGER) In The Approximate Amount Of \$10 Million For The City's Intelligent Transportation System And Parking Management System; 3) US Department Of Homeland Security Fiscal Year 2016 Port Security Grant Program In The Approximate Amount Of \$120,000; And Renewal Of The Following Two Grants: 4) Children's Trust Youth Enrichment, Employment And Support Grant Program In The Approximate Amount Of \$312,550; And 5) Children's Trust Countywide Community Partnership (Service Partnership) Program In The Approximate Amount Of \$425,000; And Retroactive Approval Of The Following Applications: 6) Florida Department Of Transportation, Transportation Alternatives Program (TAP) In The Approximate Amount Of \$400,000 For Protected Bike Lanes; 7) Florida Department Of Transportation, Transportation Alternatives Program (TAP) In The Approximate Amount Of \$1,000,000 For North Shore Open Space Beachwalk; 8) Florida Inland Navigation District (FIND), Waterways Assistance Program In The Approximate Amount Of \$1 Million For The Indian Creek Shoreline And Greenway Project; 9) Florida Inland Navigation District (FIND), Waterways Assistance Program In The Approximate Amount Of \$142,007 For The North Beach Kayak Launch Dock.

(Budget & Performance Improvement)

**ACTION: Resolution 2016-29339 adopted.** Ramon Suarez to appropriate the funds if accepted. **Judy Hoanshelt to handle.**

C7B A Resolution Approving And Authorizing The Mayor And The City Clerk To Execute An Underground Easement Agreement For Florida Power & Light Company (FPL), Attached Hereto As Exhibit 1, For The Undergrounding Of Existing Utilities And Utility Lines, And To Grant FPL A Non-Exclusive Underground Utility Easement At The Altos Del Mar Park, Located At 7600 Collins Avenue, For The Operation And Maintenance Of Associated Underground Utility Facilities Including, But Not Limited To, Cables, Conduits, Appurtenant Equipment, And Appurtenant Above-Ground Equipment, Along The Proposed 10 Foot Wide Easement, Between 76<sup>th</sup> Street And 77<sup>th</sup> Street Along The Western Portion Of Atlantic (Airoso) Way.

(Capital Improvement Projects)

**ACTION: Resolution 2016-29340 adopted.** David Martinez to handle.

**C7C Reappointment Of Chief Special Master**

1. A Resolution Accepting The Recommendation Of The City Manager, Pursuant To Section 30-36 Of The Code Of The City Of Miami Beach, Concerning The Reappointment Of Enrique Zamora, Esq., To Serve As Chief Special Master, For A Term Commencing On April 24, 2016 And Ending On October 23, 2016; Provided Further That Chief Special Master Zamora Shall Be Authorized To Hold Hearings And Impose Fines, Liens And Other Non-Criminal Penalties Against Violators Of The City And County Codes And Ordinances, And Shall Also Be Authorized To Appoint Such Other Special Masters As May Reasonably Be Required To Conduct The Subject Hearings; And Further Incorporating All Other Matters Set Forth Within Chapter 30 Of The City Code, Including, Without Limitation, Sections 30-37 And 30-38 Thereof, Concerning The Compensation And Duties Of The Chief Special Master.

(Office of the City Clerk)

**ACTION: Resolution 2016-29341 adopted. Rafael E. Granado to handle.**

2. A Resolution Approving And Reappointing, Pursuant To Section 102-356 Of The City Code, Enrique Zamora, Esq. (Chief Special Master Reappointed Pursuant To Resolution No. **2016-29341** As The City Manager's "Designee" Under Section 102-356 Of The City Code; Said Designation Commencing With Mr. Zamora's Term As Chief Special Master On April 24, 2016 And Ending On October 23, 2016.

(Office of the City Clerk)

**ACTION: Resolution 2016-29342 adopted. Rafael E. Granado to handle.**

- C7D** A Resolution Approving The Affordable Housing Program Operations And Management Manual (Tenancy Manual) Attached To This Resolution To Be Utilized In The Ongoing Operation Of City-Owned Affordable Rental Apartments.

(Housing & Community Services)

**ACTION: Resolution 2016-29343 adopted. Maria Ruiz to handle.**

- C7E** A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 4 To The Agreement, Dated October 10, 2014, Between The City Of Miami Beach And Tyler Technologies, Inc., For The Replacement Of The City's Enterprise Resource Planning (ERP) System, To Amend (1) The ERP System "Go-Live" Dates, (2) The Provisions Regarding Professional Services, And (3) The Maximum Number Of Hours For Custom Report Development Services, In An Amount Not To Exceed \$206,550.

(Information Technology)

**ACTION: Resolution 2016-29344 adopted. Ariel Sosa to handle.**

- C7F A Resolution Authorizing The Mayor And City Clerk To Execute A Memorandum Of Understanding (MOU), Substantially In The Form Attached To This Resolution, Between The City Of Miami Beach, The Miami Beach Chamber Of Commerce, North Bay Village, The Town Of Bay Harbor Islands, The Town Of Surfside, And Bal Harbour Village To Support And Enhance The Nurse Initiative For The 2016-2017 School Year And Authorizing The Appropriation Of \$15,400 From The Miami Beach Education Compact Fund For The City Of Miami Beach's Proportionate Share Of Funding For The Nurse Enhancement Initiative Subject To Approval In The City's FY 2016/17 Annual Budget.  
(Organization Development Performance Initiatives)

**ACTION: Resolution 2016-29345 adopted. Dr. Leslie Rosenfeld to handle.**

- C7G A Resolution Supporting The United States Coast Guard's Proposed Modification Of The Operating Schedule Of The 63<sup>rd</sup> Street Bascule Bridge Across Indian Creek To Be Set Forth In 33 CFR Part 117, Section 117.293.  
(Sponsored by Vice-Mayor Micky Steinberg/Office of the City Manager)  
(Legislative Tracking: Transportation)

**ACTION: Resolution 2016-29346 adopted. Jose Gonzalez to handle.**

- C7H A Resolution Adopting The Certificate Of The Results Of The March 15, 2016 Special Election For The City Of Miami Beach, And Declaring The Results Thereof.  
(Office Of The City Clerk)

**ACTION: Resolution 2016-29347 adopted. Rafael E. Granado to handle.**

Clerk's Note:

Pursuant to law, the County Canvassing Board for Miami-Dade County was appointed and authorized to canvass the March 15, 2016 City of Miami Beach Special Election, which was duly conducted by the Elections Department of Miami-Dade County, Florida.

The Certificate of the results of the March 15, 2016 City of Miami Beach Special Election were received by the City Clerk, and are attached to Resolution 2016-29347 as Composite Exhibit "A."

Said Certificate reflects that:

Question " A," as set forth below, was not approved by the electorate of the City of Miami Beach because it did not receive approval of at least 60% of the City's voters voting thereon in the Special Election as required by Section 1.03(b)(3) of the City Charter; and

Question " B," as set forth below, was approved by the electorate of the City of Miami Beach; however, since the voters did not approve Question " A" by the requisite percentage, Question "B" was rendered moot.

The County Canvassing Board, having canvassed the returns of the March 15, 2016 Special Election of the City of Miami Beach, the Mayor and City Commission hereby adopted the Certificate as to the results of said Special Election via Resolution 2016-29347.

As a result, of the City of Miami Beach March 15, 2016 Special Election, the votes upon the questions presented reflect the following results:

(The two ballot questions have been labeled " A" and" B" for ease of reference herein only and were not so labeled on the ballot.)

QUESTION " A"

**Referendum Re: Approval of City' s Lease of City Property for Convention Center Hotel**

Should City lease 2.65-acre property at northeast corner of 17th Street and Convention Center Drive to Portman Miami Beach LLC for 99 years, requiring, per Resolution 2015-29115:

- Construction/operation of privately-funded 800 room Hotel with 288 foot height limit, connected to Convention Center via pedestrian Skybridge,
- No gambling,
- Rent to City after Hotel opens, including greater of: minimum rent (\$12,373,785 over first ten years, adjusted thereafter) or percentage of Hotel's revenues annually?

8,498 YES

7,323 NO

QUESTION " B"

**Referendum Re: Use of Rent Payments Received by City from Convention Center Hotel Lease**

If voters approve City's Convention Center Hotel lease, shall City adopt an ordinance dedicating all rent payments received by City to enhance funding (not replace or substitute for current City funding), in equal proportions annually for the term of lease, for: mass transit and traffic reduction, pre-k through 12 education, stormwater projects (in lieu of rate increases), and undergrounding electric utilities, with any amendment/peel of such ordinance subject to voter referendum approval?

11,477 YES

3,671 NO

Question "A" was not approved, and Question " B" was rendered moot because the voters did not approve Question "A" by the requisite percentage.

Handouts or Reference Materials:

1. Copy of LTC 115-2016 Re: March 15, 2016 City of Miami Beach Special Election Preliminary Unofficial Results; Unofficial Certificate of County Canvassing Board, Miami-Dade County, and Official Certificate of County Canvassing Board, Miami-Dade County
2. Official Results with details

- C7I A Resolution Authorizing The City Manager And City Clerk To Execute A Five Year Agreement, And Any Amendments For Adjustments To Scope Of Work, With Big Wireless LLC, For The Maintenance, Monitoring And End Of Life Technology Migration Of The Law Enforcement Wireless Information Network, Formally Known As The Citywide Wireless Network, For Use By The Miami Beach Police Department, Following The Recent Completion Of Phase 1, Such Maintenance, Monitoring And End Of Life Technology Migration To Be Known As Phase 2, As Authorized By Resolution 2015-28959 Of The Mayor And City Commission On March 11, 2015, In An Amount Not To Exceed \$475,000.

(Police)

**ACTION:** Item deferred to **May 11, 2016**. Lilia Cardillo to place on the Commission Agenda if received. **Chief Daniel Oates to handle.**

- C7J A Resolution Authorizing The City Manager And City Clerk To Execute A Renewed Agreement Between The City Of Miami Beach And The Town Of Medley, For The Purpose Of The Miami Beach Police Department Conducting Firearms Training At The Medley Police Outdoor Firearms Training Center Located At 9700 NW 97 Avenue, Medley, Florida.

(Police)

**ACTION: Resolution 2016-29348 adopted. Chief Daniel Oates to handle.**

- C7K A Resolution Authorizing The City Manager And City Clerk To Execute A Renewed Memorandum Of Understanding Between The City Of Miami Beach, On Behalf Of The Miami Beach Police Department, And Miami-Dade County, On Behalf Of The Miami-Dade Police Department, To Participate In Operation Stonegarden, A Waterborne Law Enforcement Initiative.

(Police)

**ACTION: Resolution 2016-29349 adopted. Chief Daniel Oates to handle.**

- C7L A Resolution Authorizing The City Manager And City Clerk To Execute An Interlocal Cooperation Agreement Between The City Of Miami Beach, On Behalf Of The Miami Beach Police Department, And Miami-Dade County, On Behalf Of The Miami-Dade Police Department, For Shared Use Of The Automated Fingerprint Identification System Operated By The Miami-Dade Police Department.

(Police)

**ACTION: Resolution 2016-29350 adopted. Chief Daniel Oates to handle.**

- C7M A Resolution Authorizing The Issuance Of Invitation To Negotiate (ITN) 2016-084-WG For The Administration Of The City's Following Ancillary Health Benefits For Employees, Retirees And Their Dependents: Family And Medical Leave Act (FMLA) Administration; Long-Term Disability Coverage For Defined Contribution Retirement Plan (401a) Participants And Voluntary Short-Term And Long-Term Disability; Group Dental Coverage; And Group Term Life And Accidental Death & Dismemberment Coverage; And Further Authorizing The Retroactive Extension Of The Agreement With Unum And The Month-To-Month Extensions Of The Existing Agreements With Unum, Metropolitan Life Insurance Company And Hartford Life And Accident Insurance Company, Until Such Time As The ITN Can Be Awarded.  
(Procurement/Human Resources)

**ACTION: Resolution 2016-29351 adopted. Alex Denis and Sylvia Crespo-Tabak to handle.**

- C7N A Resolution Accepting The Recommendation Of The Neighborhood/Community Affairs Committee And Denying The Request From Boucher Brothers Miami Beach LLC (Concessionaire) To Activate A New Beachfront Concession At South Pointe Park Beach.  
(Tourism, Culture & Economic Development)

**ACTION: Resolution 2016-29352 adopted. Max Sklar to handle.**

Handout or Reference Material:

1. Item C7N, Page 514, the Agenda Item List should read "**Not to** Activate New Beachfront Concession At South Pointe Park Beach."

**3:22:01 p.m.**

- C7O A Resolution Requesting That Miami-Dade County Designate, Pursuant To City Of Miami Beach Resolution No. 94-21216, 21<sup>st</sup> Street Between Washington Avenue And Collins Avenue As "Jose Marti Street," In Addition To The "Collins Park South" Designation, And Requesting That Miami-Dade County Install New Street Signs Reflecting Both Co-Designations Of 21<sup>st</sup> Street.  
(Transportation)

**ACTION: Resolution 2016-29353 adopted.** Item separated by Vice-Mayor Steinberg. Motion made by Vice-Mayor Steinberg; seconded by Commissioner Rosen Gonzalez; Voice vote: 7-0. **Jose Gonzalez to handle.**

City Manager Morales introduced the item, and explained that last year the City Commission co-designated 21<sup>st</sup> and 22<sup>nd</sup> Streets as Collins Park North and South. 21<sup>st</sup> Street had previously been designated as Jose Marti Avenue. When the County Commission approved Collins Park North and South, they did not re-add Jose Marti. This item is a formal Resolution to be forwarded to the County, so they can adopt a formal Resolution, and the designation can return.

Commissioner Rosen Gonzalez stated that many members of the Cuban community are anxious to have this designation.

- C7P A Resolution Accepting The Recommendation Of The Land Use And Development Committee To Remove The Carlos Zapata "Wing" Structure On Lincoln Road.  
(Property Management/Office of the City Manager)

**ACTION: Resolution 2016-29354 adopted. Adrian Morales, Marcia Monserrat and Mark Taxis to handle.**

**2:03:00 p.m.**

C7Q A Resolution Accepting The Recommendation Of The Finance And Citywide Projects Committee To Pursue New Garage Development Initiatives Including The Incorporation Of Workforce Housing.

(Parking)

**ACTION: Resolution 2016-29355 adopted.** Item separated by Mayor Levine. Motion made by Vice-Mayor Steinberg to approve the Resolution and hold a workshop; seconded by Commissioner Arriola; Voice vote: 7-0. **Saul Frances to handle.**

Saul Frances, Parking Department Director, introduced the item and explained that there may be additional costs for construction purposes. Garages were identified through RFPs and standalone facilities that the City can develop. If there is smaller demand for parking, workforce housing is an option.

Mayor Levine believes it is important to have a discussion about what works for the housing needs; he believes in helping the most vulnerable portion of the society; seniors. However, he does not necessarily want the residents of Miami Beach to subsidize the cost of the workforce housing for the various hotels and restaurants. The easiest way to fix the housing problem would be for employers to pay their workforce higher wages, so they can afford to live in Miami Beach.

Commissioner Rosen Gonzalez is on board for senior housing embedded in some of the parking garages. She asked if the height can be determined and would like to define workforce housing and make it available to Seniors.

Mr. Frances stated that he will look at projects on an individual base.

Commissioner Arriola suggested adding retail to the design and going neighborhood by neighborhood, and have a beautiful design. He reminded the City Commission that Miami Beach does not have much land, so there are few incentives for private companies, so it can be very progressive of the City to provide this type of housing.

Commissioner Malakoff suggested having teachers, nurses, and ballerinas eligible for workforce housing.

Discussion held.

Vice-Mayor Steinberg suggested holding a Workshop to discuss the types of housing, and see what is eligible so that the City Commission can better educate itself.

Mayor Levine stated this is a great idea, and suggested including Affordable and Workforce Housing.

Commissioner Malakoff suggested building a garage with two levels of parking and have one level or two above it for housing. This will cut down on commuting and traffic.

Commissioner Rosen Gonzalez would like considering the New York model where the housing portion is embedded in the parking garage.

Handout or Reference Material:

1. Item C7Q, on Pages 538, 539, 540, 543 and 544, all references to the address 1623 West Avenue should be corrected with 1625 West Avenue.

- C7R A Resolution Authorizing The City To Co-Sponsor The American Cancer Society's Relay For Life Event To Be Held At Lummus Park On April 16, 2016 From 4:00 p.m. To 10:00 p.m., And Waiving The City's Facility Usage Fee For The Event.  
(Sponsored by Commissioner Joy Malakoff)  
(Legislative Tracking: Office of the City Attorney)

**ACTION: Resolution 2016-29356 adopted. Office of the City Attorney and Max Sklar to handle.**

- C7S A Resolution Accepting The Written Recommendation Of The City Manager (As Set Forth In The City Commission Memorandum Accompanying This Resolution) And Waiving, By 5/7<sup>th</sup> Vote, The Competitive Bidding Requirement, Finding Such Waiver To Be In The Best Interest Of The City, And Approving And Authorizing The Mayor And City Clerk To Execute An Agreement, In An Amount Not To Exceed \$86,000, Substantially In The Form Attached To This Resolution, Between The City And MWW Group, LLC For Federal Government Lobbying And Consulting Services, Commencing On March 1, 2016 And Terminating On December 31, 2016, Or Until Such Time As The City Executes A New Agreement For These Services Through A Competitive Bidding Process, Whichever Occurs First.  
(Office of the Mayor)

**ACTION: Resolution 2016-29357 adopted. Gloria Baez to handle.**

- C7T A Resolution Approving And Authorizing The Allocation Of State Housing Initiatives Partnership Program (SHIP) Funds From FY 2014-2015 And FY 2015-2016 In The Amounts Of \$17,138, And \$26,371, Respectively, To Miami Beach Community Development Corporation/MBCDC: The Jefferson, Inc. (MBCDC) For The Rehabilitation Of This Affordable Housing Property Located At 542 Jefferson Avenue; To Include The Replacement Of The Roof And Upgrades To The Nine Units Located On The Third Floor Of The Property; And Further Authorizing The Mayor And City Clerk To Execute The SHIP Program Agreement Between MBCDC And The City.  
(Housing & Community Services)

**ACTION: Resolution 2016-29358 adopted. Maria Ruiz to handle.**

**9:15:00 a.m.**

C7U A Resolution Reaffirming The City's Longstanding Position Regarding Cuba And Therefore Not Welcoming/Inviting A Cuban Consulate.

(Sponsored by Commissioner Michael Grieco  
Co-Sponsored by Commissioner John Alemán)

**ACTION: Resolution 2016-29359 adopted as amended.** Item separated by Commissioners Arriola and Rosen Gonzalez. Motion made by Commissioner Rosen Gonzalez, seconded by Vice-Mayor Steinberg, to adopt the recommendation of the Hispanic Affairs Committee word-for-word. Voice vote: 4-3; Opposed: Mayor Levine and Commissioners Arriola and Malakoff. Motion passes. **Office of the City Attorney and Office of the City Manager to handle.**

**FINAL MOTION:**

Motion made by Commissioner Rosen Gonzalez, seconded by Vice-Mayor Steinberg, to adopt the recommendation of the Hispanic Affairs Committee word-for-word. Voice vote: 4-3; Opposed: Mayor Levine and Commissioners Arriola and Malakoff. Motion passes.

**MOTION NO. 1:**

Motion made by Commissioner Arriola to defer the original item indefinitely; seconded by Commissioner Malakoff. Voice vote: 5-2; Opposed: Commissioners Grieco and Alemán.

**MOTION NO. 2:**

Motion made by Commissioner Rosen Gonzalez, seconded by Vice-Mayor Steinberg, to adopt the recommendation of the Hispanic Affairs Committee on items two and 3. Voice vote: 4-3; Opposed: Mayor Levine and Commissioners Arriola and Malakoff. Motion passes.

**MOTION NO. 3:**

Motion made by Commissioner Rosen Gonzalez, seconded by Vice-Mayor Steinberg, to adopt the recommendation of the Hispanic Affairs Committee word-for-word. Voice vote: 4-3; Opposed: Mayor Levine and Commissioners Arriola and Malakoff. Motion passes.

**MOTION TO AMEND 1:**

Motion to amend Commissioner Rosen Gonzalez's motion by Commissioner Grieco, to include language that the City of Miami Beach does not welcome a Cuban Consulate; seconded by Commissioner Alemán. Motion withdrawn.

**MOTION TO AMEND 2:**

Motion to amend by Commissioner Grieco to include only the language of the HAC word-for-word on items 1, 2 and 3; seconded by Commissioner Alemán. Motion withdrawn.

**9:15:13 am.**

Motion made by Commissioner Arriola to defer this item indefinitely, because he believes it is an emotional issue for the community, and more time is needed for better relations to develop between the US and Cuban foreign policy; seconded by Commissioner Malakoff.

Commissioner Grieco stated that he finds it ironic that Commissioner Arriola believes it is premature to talk about this issue, when it was he and the Mayor who prematurely spoke about it. Neither he nor his cosponsor Commissioner Alemán created this situation, and he wants to make it clear that he does not approve of the Mayor and Commissioner Arriola's position taken up in the press. He read the following statement into the record: "I ran for Office because I wanted to make our City a better place based upon the vision of the residents, not by imposing my vision upon the public. We have somehow lost our way while a litany of quality of life issues in our City go

inadequately or unaddressed. It is time to put our City first as opposed to petty squabbles, personal ideology, goals, or aspirations. This Resolution is about the peace, stability, and quality of life in Miami Beach, while also reaffirming the City's 22-year stance against the past and present human rights atrocities in Cuba. I believe in open debate, as was referenced by someone who spoke earlier. I wanted to have that debate today. The irony that the cruise industry is about to open up to Cuba, while Cuban-born Americans are discriminated against participating is not lost on me. Moreover, irony can also be found in the fact that Mayor Levine has placed another item on the agenda calling for no City travel or business with North Carolina or Mississippi due to their despicable discriminatory laws, while it is perfectly acceptable to meet with the Cuban government where human rights violations occur daily. Maybe since we are denouncing North Carolina and Mississippi, which we should, we should also denounce any cruise line that carries passengers to Cuba while the ban on Cuban-born Americans remains. If any Commissioner or the Mayor wishes to fly a private jet to Cuba for a private trip about private matters, I can take no issue with that, but if two of my colleagues take a meeting with a representative of the Cuban government and discuss our City, and what our City wants, or welcomes, I am compelled to speak on behalf of myself and every other resident who was not consulted. I feel like I missed a meeting somewhere. I am not angry, but I am disappointed to read headlines about Miami Beach welcoming a Cuban consulate, because this Commissioner does not. The law in the United States has not changed, the Helms-Burton Act of 1996 is still the law of the land, regardless as to current presidential outreach to Cuba, and the current U.S. law maintains an embargo on Cuba. How do I know this? Because in March 1996, when it was passed I was working in the United States Congress. I was working for a representative in the Foreign Affairs Committee. He was also in the Cuban Democracy Caucus, which was bipartisan and he was also the Congressional Delegate to the United Nations. Practically speaking, a consulate is an unfunded, unwelcomed, disruptive mandate that would be a major security concern. I am not reinventing the wheel. My Resolution, all of the language was cut and paste from other City of Miami Beach Resolutions and the Miami-Dade County Commission's January 1996 Resolution stating the same thing. I am not angry, but I am disappointed at colleagues who I have helped and who have helped me get elected, stoop to some schoolyard bullying tactic to deflect in their error in judgment. I have not taken to social media or the airwaves to make a big stink about this, nor did I jump on the phone, like Ricky, trying to do damage control by bashing me, nor did I resort to personal attacks in the Herald like the Mayor, I chose to rise above being petty, but there is one nugget I will respond to, which was already brought up this morning by Mr. Arriola, Sr., Joe, which is the Mayor's assertion in the paper that because I am not Cuban, I should not be addressing this matter. If that were true, I would need to be gay to support my LGBT brothers and sisters, it would also be saying that only Jews can stand up for our Jewish community, or I would have to be female in order to fight for women. I find this logic offensive and divisive. Many Cuban-Americans in Miami Beach voted for me, some did not, but I represent all of them; 20% of this City the same, and instead of telling them what I think, I have been listening to how they feel, and they feel betrayed. I have no memory of anyone on this dais discussing Cuba-US policy or consulate when they were running for Office, so I am confused why this issue has been forced upon us. My final goal with this Resolution was to put this matter behind us. I applaud Commissioner Alemán for cosponsoring the Resolution. Lastly, it has come to my attention that there is a plan to postpone the vote on this matter, so that some up here can avoid going on the formal record on this issue. I implore my colleagues to reconsider if you are planning to postpone this. As the public deserves closure and a formal policy from the City. I consider, personally, a vote to postpone is the same thing for voting against it, and you are doing it cloaked in fear. If you choose to postpone this matter, I will continue to place the same Resolution on every single agenda until it is voted on."

Commissioner Rosen Gonzalez stated that the issue is not about a Cuban Consulate in Miami Beach, because no one has offered to build one. She does believe; however, that this is about squashing first amendment rights. Opinions need to be expressed, even if people disapprove of

Mayor Levine and Commissioner Arriola's trip to Cuba, or their wishes for a Cuban Consulate in Miami Beach, their opinions must be respected. She does not support a Cuban Consulate in Miami Beach, but she also does not support stopping cultural exchanges. She gave the example of a Cuban ballet student who may want to do a cultural exchange in Miami Beach. She believes cultural exchanges are important and should be allowed. The proposed Resolution is political hyperbole and political opportunism.

**9:23:39 a.m.**

Motion made by Commissioner Rosen Gonzalez to adopt items 2 and 3 of the Hispanic Affairs Committee Resolution from the meeting that took place on April 11, 2016.

Commissioner Alemán stated that the Cuban consulate will not serve Americans or Cuban-Americans. Consulates help Cuban citizens with minor diplomatic issues such as the loss of a passport, visa, or providing assistance with Cuban citizens being arrested or detained while in the US. She does not believe a Cuban Consulate will improve the quality of life of the residents of Miami Beach, because it will most likely not promote tourism, but rather protests and demonstrations that will increase traffic, and cost the City additional expenses in terms of policing and defense. She shared two stories from her mother-in-law and father-in-law and how they had to flee Cuba due to the Castro regime.

Vice-Mayor Steinberg believes that this is very emotional item, and it is not the right time to discuss, but she agrees with Commissioner Rosen Gonzalez's opinion that the Hispanic Affairs Committee drafted a good Resolution, and she will support that.

Commissioner Malakoff stated that this is a matter to be resolved by the Federal Government in Washington, D.C. It is premature to speak on a Cuban consulate, and it does not belong before the City Commission.

Commissioner Rosen Gonzalez reiterated that there is a cultural aspect to this Resolution, and she does not want to deny a child in cultural exchanges.

Mayor Levine expressed his opinion. He understands that emotions run deep, and they resonate with all on the City Commission. He addressed a comparison made by a lady during the Stanley Sutnick Hour, of allowing a pro-Castro Cuban consulate today would be like allowing a Nazi consulate in the 1930s. The Mayor as a Jewish-American explained that Jews suffered greatly during the Holocaust, but highlighted that only 20 years after WWII, Israel and Germany renewed diplomatic relations. He believes forgiveness is important. He elaborated how during his trip to Cuba he met with activists, members of the Catholic Church, the Jewish community, and LGBT members, to understand better what is going on in Cuba, and he believes that things are changing. He stated that no one on the City Commission is in favor of the current Cuban regime, and furthermore believes the Cuban embargo was successful in stopping the spread of communism throughout Latin America, but he believes that they must follow the President's lead in changing policy. He explained how change is not easy, but they should not hold on to policies that are outdated.

Commissioner Alemán stated that Commissioner Grieco's item does not change anything; it simply continues what was done before. She explained that she will support the Mayor's new item implementing travelling restrictions and trade embargo on Mississippi and North Carolina over their policies against the LGBT community, but she asked the City to reaffirm its policy on Cuba.

Ana Cecilia Velasco, Vice-Chair of Hispanic Affairs Committee, believes that the Hispanic Affairs Committee meeting on April 11, 2016 had a healthy dialogue, but until there is a change in the Cuban government, they will not support a change in policy.

Commissioner Arriola, spoke as a Cuban-American who has lost family members in the Bay of Pigs invasion, and has had family members held as political prisoners. He apologized to those present if his opinion disagreed with them, but he asked for the City Commission to vote on his motion to defer, and to support Commissioner Rosen Gonzalez's Resolution with the recommendations of the Hispanic Affairs Committee items 2 and 3.

**9:52:17 a.m.**

Vote on Commissioner Arriola's motion. (See Motion 1)

City Clerk Granado read the Hispanic Affairs Committee Items 2 and 3 into the record. **Item 2:** "The Hispanic Affairs Committee advises the Mayor and City Commission that, in the midst of the implementation of new diplomatic relations and policies between the United States and the Cuban government, upon the date of adoption of this recommendation by the City Commission, it is premature to create any new policy or change the City's current policy in regards to normal relations between Cuba and the City of Miami Beach, Time must be given to grasp the results and outcome of the full implementation of those new diplomatic relations and policies. As stated by President Barack Obama on March 21, 2016, during his trip to Cuba, "change is going to happen," adding that change would not occur overnight and that "we still have significant differences around human rights and individual liberties inside of Cuba." **Item 3:** "The Hispanic Affairs Committee reaffirms its respect to the Cuban exile community and will thus forever be united in solidarity with the pain endured by those who fled Castro's dictatorial rule, the divide of family, the loss of loved ones, and the persecution of Cubans."

Motion for clarification by Grieco whether either item said anything about a consulate.

**9:54:52 a.m.**

Motion to amend Commissioner Rosen Gonzalez's motion by Commissioner Grieco, to include language that the City of Miami Beach does not welcome a Cuban consulate; seconded by Commissioner Alemán.

City Attorney Aguila clarified the motions, and stated there is a motion to add **item one** of the recommendations from the Hispanic Affairs Committee. He read the following into the record: "A motion by the Hispanic Affairs Committee opposing a Cuban consulate in the City of Miami Beach, so long as the Cuban government continues its violation of basic freedoms and human rights."

Discussion held on the motions

**9:59:27 a.m.**

Commissioner Rosen Gonzalez agreed to accept item one of the recommendations given by the Hispanic Affairs Committee.

Mayor Levine asked if Commissioner Rosen Gonzalez would like to change the language of item one (1).

Commissioner Grieco stated that he would like to include all the language in item one (1).

Commissioner Rosen Gonzalez stated that she does not want to change item one (1).

Motion to amend Commissioner Rosen Gonzalez's motion is withdrawn by Commissioner Grieco.

City Attorney Aguila read Commissioner Rosen Gonzalez's motion, which accepts the complete language of items 1, 2 and 3 of the Hispanic Affairs Committee recommendation.

Mayor Levine stated that he received letters from Former Secretary of Commerce Carlos Gutierrez, Former Ambassador Paul Cejas, Former City of Miami Mayor Manny Diaz, and others to be open to the idea of a Cuban consulate in Miami Beach.

Commissioner Rosen Gonzalez stated that she would like to add language to have an open dialogue to prevent censoring anyone.

Mayor Levine agreed and believes the language of the new Resolution should be softened.

Discussion held.

Commissioner Arriola stated that he presently does not want a Cuban consulate, but wants to leave the opportunity available for the future.

Vice-Mayor Steinberg stated that this item is very emotional, and she thinks the new Resolution should include that the City does not want a Cuban consulate "at this time."

**10:11:34 a.m.**

Motion to amend by Commissioner Grieco to include only the language of the HAC word-for-word on items one, 2 and 3. This Committee thoroughly discussed this issue, and he believes they should go with what they recommend; seconded by Commissioner Alemán.

Commissioner Alemán agreed with Commissioner Grieco's statement, and added that it is important to appreciate that everyone can voice their opinion in this country and have healthy dialogue.

Commissioner Rosen Gonzalez stated that she will leave the language as approved by the Hispanic Affairs Committee.

Commissioner Grieco withdrew his motion to amend so long as there are not further amendments.

**10:15:19 a.m.**

Final vote taken on Commissioner Rosen Gonzalez's motion.

Handouts and Reference Materials:

1. Letters regarding the Cuban Consulate from Giancarlo Sopo, Carlos A. Saladrigas, Manuel D. Medina, Jorge M. Perez, Ambassador Paul L. Cejas, Michael B. Fernandez, Carlos Gutierrez and Manny Diaz.
2. Miami Beach Resolution Opposing the Establishment of a Cuban Consulate by Frank de Varona.
3. Letters and Petitions signed in opposition.

**12:01:54 p.m.**

**SUPPLEMENTAL MATERIAL 2: Memorandum & Resolution**

C7V A Resolution Establishing A Policy Of The City Commission Strongly Opposing Any Sale, Lease, Transfer, Or Change In Use Or Zoning Designation Of Rebecca Towers, As Well As Any Other Current Or Future Elderly Affordable Housing Projects Owned By The City Of Miami Beach, The Housing Authority Of The City Of Miami Beach, Or The Miami Beach Community Development Corporation, For Any Purpose Other Than Affordable Housing For The Elderly.

(Sponsored by Mayor Philip Levine And Co-Sponsored by Commissioner Joy Malakoff)

(Legislative Tracking: Office of the City Attorney)

**ACTION: Resolution 2016-29360 adopted.** Motion made by Commissioner Malakoff, seconded by Commissioner Rosen Gonzalez; Voice vote: 7-0. City to mail the Resolution, in English and Spanish, to go out to every Senior that lives in Rebecca Towers development. **Office of the Mayor to handle.**

**TO DO:** Mail this Resolution with a cover letter signed by all on the City Commission, in English and Spanish, to every senior living in these developments. **Office of the Mayor to handle.**

Mayor Levine stated that this is a gesture to inform the residents of the Rebecca Towers senior housing facility that the City has no intention to advocate legislation that would remove them from their homes.

Commissioner Malakoff added that the seniors do not need to be concerned about moving, because there is no plan to demolish, sell, change or rezone Rebecca Towers. She feels strongly about this, because some people have been scaring seniors telling them their homes will be knocked down.

Commissioner Arriola stated that under no circumstances would the City Commission take away elderly housing. It is cruel to make seniors worry for political purposes.

Commissioner Grieco stated that several seniors have contacted him regarding anonymous mail and telephone calls telling them that Rebecca Towers will be redeveloped, which is completely false.

Mayor Levine stated that the City would mail this Resolution with a cover letter signed by all on the City Commission, in English and Spanish, to every senior living in these developments.

**10:22:27 a.m.**

A short recess was called.

**End of Consent Agenda**

**REGULAR AGENDA****R2 - Competitive Bid Reports****4:38:20 p.m.**

R2A Request For Approval To Authorize The Issuance Of A Request For Qualifications (RFQ) No. 2016-116-KB For Architectural And Engineering Design Services For New Bus Shelters.  
(Procurement/Transportation)

**ACTION:** Request approved. Motion made by Commissioner Alemán; seconded by Vice-Mayor Steinberg; Voice vote: 7-0. **Alex Denis and Jose Gonzalez to handle.**

Jose Gonzalez, Transportation Director, explained that at the March 9, 2016 Commission Meeting, the City Commission approve the recommendation of the Finance and Citywide Projects Committee, to issue an RFP for the design of new bus shelters, and authorizing the City Manager to extend the current contract with Clear Channel on a month-to-month basis, beyond the expiration date of October 2016. The scope and specifications for the solicitation for the design of the bus shelters was gathered. At the March 9 Commission Meeting, Commissioner Grieco requested the number of current stops; how many have shelters and how many do not. Thereafter, a survey was conducted, which revealed the inventory, which is attached as part of the item, with a total of 345 bus and trolley stops in the City; 108 of those 345 have bus shelters, leaving a balance of 237 stops without bus shelters. When considering opportunities for new bus shelters they look at various factors, such as ridership, surrounding area and right-of-way.

Commissioner Grieco asked if the analysis determined how many of the locations without bus shelters would be appropriate to place shelters.

Mr. Gonzalez added that they have not had a chance to go into ridership on each of the stops, but out of 237, 89 of them appear to have sufficient public right-of-way available for shelters like the Clear Channel shelters.

Commissioner Grieco is concerned about expanding the inventory rather than upgrading the existing inventory. They receive calls from people that stand waiting for the bus with inclement weather and no shelter for refuge. He asked if they intend to replace the shelters that exist, or expand the inventory; and if there is an appetite from his colleagues for replacement of the existing shelters only, for the new ones, or both.

Mr. Gonzalez explained that this RFP is only for the design of the bus shelters; the intent is to have a separate subsequent solicitation for the construction, operation and maintenance of the new design bus shelters.

Commissioner Arriola added that the issue is that the current provider has been under contract for 15 years with the City; he desires for this to go out to RFP to see what new deals they can get for the City; as part of the effort, if the result is a new provider, or even the same, they can take the opportunity to redesign some bus shelters and they need to give bidders some design guidelines for what they want the bus shelters to be. This is a condition precedent to the RFP going out. The bus shelters should be world-class and iconic, such as the iconic lifeguard stands in the City. The design should be taken seriously.

Mr. Gonzalez added that they have incorporated design guidelines into the specifications of the design RFP, including green elements, finishes suitable for the environment, iconic designs,

capabilities of displaying City County bus arrival information, solar power or alternative power source, LED lighting and security systems. That is the intent of this solicitation.

Commissioner Alemán added that the estimated time of next arrival of bus is crucial; that element can stimulate ridership.

Commissioner Rosen Gonzalez suggested having some of the bus stops in commercial areas connected to the electric grid and have some 21<sup>st</sup> Century elements, more dynamic than what they have right now.

Commissioner Malakoff explained that having the shelters connected to the electric grid becomes very expensive, as they have to trench underneath to get to the electric sources.

Mr. Gonzalez clarified that the provision Commissioner Rosen Gonzalez addressed is already in the RFP.

Commissioner Arriola asked to allow the experts to give the City the best ideas.

Motion made by Commissioner Alemán; seconded by Vice-Mayor Steinberg; Voice vote: 7-0.

### **R5 - Ordinances**

**10:29:52 a.m.**

R5A Vacant Storefront Covers

An Ordinance Amending Chapter 138 Of The Miami Beach City Code, Entitled "Signs," Article IV Entitled "Temporary Signs," At Section 138-140 Entitled "Vacant Storefront Covers And Signs" To Mandate That All Vacant Storefront Windows And Doors Be Wrapped In Non-Commercial Paper Designs; Providing For Enforcement And Penalties; And Providing For Repealer, Codification, Severability, And An Effective Date. **10:00 a.m. Second Reading Public Hearing**

(Sponsored by Commissioner Michael Grieco)

(Legislative Tracking: Planning)

(First Reading on March 9, 2016 - R5G)

**ACTION:** Title of the Ordinance read into the record. Public Hearing held. **Ordinance 2016-4006 adopted as amended.** Motion made by Commissioner Grieco; seconded by Commissioner Malakoff; Ballot-vote: 7-0. **Thomas Mooney and Hernan Cardeno to handle.**

#### **Amendment**

**Revised Fine Scheduled:**

First violation, a warning

Second violation, \$250

Third violation, \$500

Fourth and subsequent violations \$1,000

Thomas Mooney, Planning Department Director, stated that the item was approved at first reading on March 9, 2016. There were two minor changes as directed by the City Commission, regarding no trespassing provision, and these have been included for second reading into the Ordinance.

Commissioner Malakoff has a problem with the fine amounts; the first violation should be a warning and the second \$250; subsequent to that \$500 and then \$1,000. The proposed fines are so high that it will be difficult to collect. These are daily fines and she believes it is not in keeping with the violation.

Commissioner Grieco will accept the recommended language from Commissioner Malakoff revising the fine schedules.

Thomas Mooney, Planning Department Director, read for the record the revised fine scheduled: First violation is a warning; second violation, \$250; third violation, \$500 and fourth and subsequent violation \$1,000.

No further discussion

Handouts and Reference Materials:

1. Ad in The Miami Herald No. 1139

### 10:33:03 a.m.

#### R5B Minimum Unit Sizes for Historic Hotels

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations," By Amending Article II, "District Regulations," By Amending Division 3, "Residential Multifamily Districts," By Amending Section 142-155 To Modify The Requirements For Minimum Hotel Room Size And Maximum Hotel Room Occupancy For Historic Hotels Within The RM-1 District; By Amending Section 142-217 To Modify The Requirements For Minimum Hotel Room Size And Maximum Hotel Room Occupancy For Historic Hotels Within The RM-2 District; By Amending Section 142-246 To Modify The Requirements For Minimum Hotel Room Size And Maximum Hotel Room Occupancy For Historic Hotels Within The RM-3 District; By Amending Chapter 142, "Zoning Districts And Regulations", Article II, "District Regulations", Section 142-306, "Development Regulations" To Modify The Requirements For Minimum Hotel Room Size And Maximum Hotel Room Occupancy For Historic Hotels Within The CD-2 District; And By Amending Section 142-337, "Development Regulations And Area Requirements" To Modify The Requirements For Minimum Hotel Room Size And Maximum Hotel Room Occupancy For Historic Hotels Within The CD-3 District; Providing For Codification; Repealer; Severability; And An Effective Date. **10:05 a.m. Second Reading Public Hearing**

(Sponsored by Commissioner Michael Grieco)

(Legislative Tracking: Planning)

(First Reading on March 9, 2016 - R5H)

**ACTION:** Title of the Ordinance read into the record. Public Hearing held. **Ordinance 2016-4007 adopted.** Motion made by Commissioner Grieco; seconded by Commissioner Alemán; Ballot-vote: 7-0. **Thomas Mooney to handle.**

Thomas Mooney, Planning Department Director, introduced the item. He mentioned that there have been no changes to the Ordinance since first reading, and the Administration recommends adoption as proposed.

No additional discussion.

Handouts and Reference Materials:

1. Ad in The Miami Herald No. 1139

**10:34:42 a.m.**

R5C An Ordinance Amending Chapter 82 Of The Code Of The City Of Miami Beach, Entitled "Public Property," By Amending Article IV, "Uses In Public Rights-Of-Way," By Amending Division 5, "Sidewalk Cafes," By Amending Subdivision II, "Permit," By Amending Section 82-382, Entitled "Application," And Section 82-383, Entitled "Permit Fee; Penalties For Late Payment; Review Of Fee; Exception," To Abate Sidewalk Cafe Permit Fees, Including Annual Permit Application Fees And Square Footage Fees, For Businesses On Washington Avenue From 6<sup>th</sup> Street To Lincoln Road, Until September 30, 2019; And Providing For Repealer, Codification, Severability, And An Effective Date. **10:10 a.m. Second Reading Public Hearing**

(Sponsored by Commissioner Michael Grieco)

(Legislative Tracking: Planning)

(First Reading on March 9, 2016 - R5I)

**ACTION:** Title of the Ordinance read into the record. Public Hearing held. **Ordinance 2016-4008 adopted.** Motion made by Commissioner Grieco; seconded by Commissioner Malakoff; Ballot-vote: 7-0. **Thomas Mooney to handle.**

Thomas Mooney, Planning Department Director, introduced the item and explained that this is a proposal approved on March 9, 2016 at first reading that would abate sidewalk café fees along Washington Avenue; the one change on first reading was modifying the abatement period from five to three years, and this language has been incorporated into the revised text of the Ordinance.

No additional discussion.

Handouts and Reference Materials:

1. Ad in The Miami Herald No. 1139

**3:39:31 p.m.****R5D Freeboard And Development Regulations - Grade Elevations And Height**

1. An Ordinance Amending Subpart A - General Ordinances, Of The City Code, By Amending Chapter 54 "Floods" At Section 54-35, "Definitions," By Amending The Definitions For Base Flood Elevation, Crown Of Road, And Freeboard, And By Creating Definitions For Centerline Of Roadway, Critical Facility, Future Crown Of Road, Minimum Freeboard, Maximum Freeboard, Green Infrastructure, Low Impact Development (LID), And Surface Stormwater Shallow Conveyance; By Amending Section 54-45, "Permit Procedures," To Require A Stormwater Management Plan; By Amending Section 54-47, "General Standards," To Prohibit Septic Sewage Systems, And Include Requirements For Storage Of Hazardous Materials; By Amending Section 54-48, "Specific Standards," To Clarify The Minimum Elevation Of The Lowest Finished Floor For Residential And Non-Residential Construction, And Requiring A Minimum Elevation For Garage Entrances; By Amending Section 54-51, "Standards For Coastal High Hazard Areas (V-Zones)," To Clarify The Minimum Elevation Of The Lowest Floor Of All New Construction And Substantial Improvements; Providing 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 as amended, adding Adjusted Grade 2.** Motion made by Commissioner Malakoff to approve the Ordinance as amended; seconded by Commissioner Grieco. Ballot vote: 6-0; Absent: Vice-Mayor Steinberg. Second reading, Public Hearing scheduled on **May 11, 2016**. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda, if received. **Thomas Mooney to handle.**

Pursuant to Section 2-13 of the Code, motion accepting the Land Use and Development Committee's (LUDC) recommendation of this Ordinance was made by Commissioner Malakoff, seconded by Commissioner Grieco; Voice vote: 6-0; Absent: Vice-Mayor Steinberg.

Thomas Mooney, Planning Department Director, explained that the Commission Memorandum has summarized two separate Ordinances, one is an amendment to Chapter 54, which sets forth the minimum elevation requirements for all properties within the City; the next is an amendment to Chapter 114 "Definitions" and 142 of the Land Development Regulations as it pertains to single-family homes. Chapter 54 Ordinance would create a new freeboard requirement. Currently all new construction in the City must be constructed at base flood elevation of +1 according to the Florida Building Code. This amendment would set forth a minimum freeboard requirement of a minimum base flood +1 for new construction, and the maximum free board of +5. For commercial buildings, they would still be able to utilize flood panels and there is additional language addressing that. Chapter 142 gets into single family residences by establishing minimum yard requirements within Single Family Districts; the primary reason is to address future raising of roads and sidewalks and provide a better transition from existing grade to a much higher home from base flood elevation with a freeboard of above +1. There is one minor addition, on Page 685, under the establishment of the maximum yard elevation within Single Family District, in front yards and side yard facing the street, the maximum height of any required front yard cannot exceed adjusted grade 30 inches above grade or future adjusted grade. The future adjusted grade would be added to the maximum yard requirement for interior side yards. This Ordinance has been endorsed by the Planning

Board and LUDC and the Administration is recommending that it move forward with a second reading for May 11.

Commissioner Arriola asked what the current design guidelines are, as he is concerned that with new construction will go to the full-adjusted grade 5; but in older neighborhoods the homes are under previous floodplain elevation and it will start to look distorted at times. He asked what design catalysts are in place to modify the distorted look effect.

Mr. Mooney explained that they have criteria dealing with single-family construction that does not have to go to LUDC; however, there is criteria also for homes that must go to HPB and going to DRB. The biggest part of creating a better transition is the requirement for a higher yard. He gave samples of adjusted grade and base flood elevation grade requirements, and added that homes will require to have higher yards, but will provide a better transition to a much higher raised elevation. They believe with landscape requirements and raised yards eventually it will begin to blend in with the landscaping. An example is in Altos Del Mar Historic District, oceanfront lots are required to have a finished floor close to 12 feet above grade; their yards are high, and when newer homes began to raise their yards, it looked awkward relative to their neighbors; but now with the landscaping growing in is blending in. There are no specific designs to be used for walls, but they can come up with some specific if that is the direction; however, they look at these on a case-by-case basis.

Discussion held.

Commissioner Arriola suggested providing guidelines to soften the appearance of higher homes and come up with best practices design guidelines so neighbors do not protest property owners building at higher levels.

Commissioner Malakoff stated that the City Commission passed the rule increasing the 30 feet setback. Increasing the side setbacks is helpful, but she referred to Pages 661 and 662, where it shows the primary changes proposed, how it will do risk reductions from increase flood insurance cost, risk reduction from one foot increase in the base flood elevation, and that is important, since they are looking at insurance costs that people may want to go to the maximum, depending how high above sea level their home base is and what the neighborhood looks like. She clarified that Ms. Torriente recommended that the adjusted grade should go to five feet.

Commissioner Rosen Gonzalez suggested keeping elevations the same. She understand the need for new homeowners from an insurance perspective, but wants to make sure that for home renovation this is not done prematurely, thirty years down the line. She understands sea level rising, but stated that this is not practical.

Commissioner Malakoff stated that one architect has already designed his home that is on stilts; and it looks more like keeping with the City's architecture. The first floor is able to have a car parked, a hammock, outdoor dining, and is open.

Discussion held.

**3:52:44 p.m.**

2. An Ordinance Amending The City's Land Development Regulations, By Amending Chapter 114, "General Provisions," At Section 114-1, "Definitions," By Amending The Definitions For Grade, Future Adjusted Grade, And Building Height, And To Establish By Reference To Chapter 54-35 Definitions For Base Flood Elevation, Crown Of Road, Future Crown Of Road, Freeboard, Minimum Freeboard, Maximum Freeboard, Green Infrastructure, Future Adjusted Grade, And Surface Stormwater Shallow Conveyance; By Amending Chapter 142, "Zoning Districts And Regulations," Division 2, "RS-1, RS-2, RS-3, RS-4 Single-Family Residential Districts," By Amending And Clarifying The Maximum Elevation Within A Required Yard And Providing A Minimum Elevation Requirement For New Construction, And Amending How Maximum Building Height Is Calculated; Providing 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 Commissioner Grieco. Ballot vote: 6-0; Absent: Vice-Mayor Steinberg. Second reading, Public Hearing scheduled on **May 11, 2016**. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda, if received. **Thomas Mooney to handle.**

Pursuant to Section 2-13 of the Code, motion accepting the Land Use and Development Committee's recommendation of this Ordinance was made by Commissioner Malakoff, seconded by Commissioner Alemán; Voice vote: 6-0. Absent: Vice-Mayor Steinberg.

See discussion with item R5D-1.

No additional discussion.

**3:54:45 p.m.**

- R5E Unified Development Sites And FAR Distribution  
 An Ordinance Amending Chapter 118, Entitled "Administration And Review Procedures," Article I Entitled "In General" At Section 118-5, Entitled "Unity Of Title; Covenant In Lieu Thereof;" Chapter 114, Entitled "General Provisions," At Section 114-4, Entitled "Compliance With Regulations Required;" And Chapter 142, Entitled "Zoning Districts And Regulations," Article II Entitled "District Regulations," Division 1, Entitled "Generally," At Section 142-73, Entitled "Interpretation Of District Boundaries;" In Order To Clarify Procedures For The Movement Of FAR Within Unified Development Sites With Differing Zoning Districts; Providing For Enforcement And Penalties; And Providing For Repealer, Codification, Severability, And An Effective Date. **First Reading**  
 (Sponsored By Commissioner Michael Grieco)  
 (Legislative Tracking: Planning)

**ACTION:** Title of the Ordinance read into the record. **Ordinance adopted on first reading as amended.** Motion made by Commissioner Grieco to approve the Ordinance as amended; seconded by Commissioner Alemán. Ballot vote: 6-1; Opposed: Vice-Mayor Steinberg. Second reading, Public Hearing scheduled on **May 11, 2016**. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda, if received. **Thomas Mooney to handle.**

Pursuant to Section 2-13 of the Code, motion accepting the Land Use and Development Committee's recommendation of this Ordinance was made by Commissioner Grieco, seconded by Commissioner Malakoff; Voice vote: 6-0; Absent: Vice-Mayor Steinberg.

### **Amendment**

118-5

(b) ~~If more than one~~ Only commercial and/or mixed-use entertainment zoning districts ~~is~~ may be joined together to create a unified development site, provided the entire unified development site, including each separate zoning district, ~~must have~~ has the same maximum floor area ratio (FAR), inclusive of bonus FAR. Such unified development site shall only contain commercial and/or mixed-use entertainment districts and shall not include any residential zoning district. The instrument creating the unified development site shall clearly delineate both the maximum FAR, inclusive of bonus FAR, and total square footage permitted.

Thomas Mooney, Planning Department Director, explained that the Ordinance amends three sections of the Land Development Regulations, by modifying Section 118-5 dealing with Unity of Title and Covenants in Lieu of Title, and creates a process by which properties that are combined into a unified development site, and multiple properties with different zoning districts with the same maximum allowable FAR, can move the FAR around, so the change would not be modified or considered a TDR (Transfer of Development Rights), but would give property owners that have different zoning districts the same maximum FAR with more flexibility. Section 114-4 and 142-73 are also modified to allow for this, and pursuant to comments received, the LUDC had recommended that this Ordinance, in terms of unifying sites within different zoning districts, be limited only to commercial and mixed use entertainment districts. To ensure residential districts would not be part of that, they had slightly modified Section 118 (see Page 680 of the agenda). Mr. Mooney distributed proposed changes.

Commissioner Grieco, as the sponsor of the item, adopted the proposed language.

Commissioner Malakoff was concerned this item would include a mixture of residential and commercial properties, but since it is for commercial, or mixed-use properties, she will vote in its favor.

Vice-Mayor Steinberg stated that she is uncomfortable with the item, and will not be voting in its favor.

Commissioner Grieco stated for the record that if the two sites were in the same zoning district, they would be able to have a unified development site. This item is in regards to the few instances where someone owns two properties, which happen to be in two different zoning districts. This item will not increase the FAR.

Motion made by Commissioner Grieco to approve the Ordinance as amended; seconded by Commissioner Alemán. Ballot vote: 6-1; Opposed: Vice-Mayor Steinberg.

#### Handouts or Reference Materials:

1. Ordinance language draft distributed on the floor

**10:43:00 a.m.**

**1:15:59 p.m.**

R5F Alton Road West And 17<sup>th</sup> Street South Alcoholic Beverage Establishment Regulations An Ordinance Amending Chapter 142, "Zoning Districts And Regulations", Article II, "District Regulations," (1) At Division 4, "CD-1 Commercial Medium Intensity District," Section 142-272, "Main Permitted Uses;" (2) Section 142-273, "Conditional Uses;" (3) Section 142-274, "Accessory Uses;" (4) Section 142-279, "Additional Regulations For Alcoholic Beverage Establishments;" (5) At Division 5, "CD-2 Commercial Medium Intensity District," Section 142-302, "Main Permitted Uses;" (6) Section 142-303, "Conditional Uses;" (7) Section 142-304, "Accessory Uses;" (8) Section 142-310, "Additional Regulations For Alcoholic Beverage Establishments;" And (9) At Division 6, "CD-3 Commercial Medium Intensity District," Section 142-332, "Main Permitted Uses;" (10) Section 142-333, "Conditional Uses;" And (11) Section 142-334, "Accessory Uses;" And (12) Section 142-340, "Additional Regulations For Alcoholic Beverage Establishments;" To Amend The Hours Of Operation, Location And Use Restrictions For (A) Properties On The West Side Of Alton Road And East Of Alton Court, From 6<sup>th</sup> Street To Collins Canal, (B) Properties On The East Side Of West Avenue From Lincoln Road To 17<sup>th</sup> Street, And (C) Properties Within 100 Feet To The South Of 17<sup>th</sup> Street, Between Lenox Avenue And Meridian Avenue; Providing For Codification; Repealer; Severability; And An Effective Date. **10:35 a.m. First Reading Public Hearing**

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

**ACTION:** Title of the Ordinance read into the record. Public Hearing held. **Ordinance adopted on first reading as amended.** Second reading, Public Hearing scheduled on **May 11, 2016.** Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda, if received. Item referred to the Planning Board. **Thomas Mooney to place on the board agenda and to handle.**

### **FINAL MOTION (MOTION 3)**

Motion made by Commissioner Malakoff to approve the item as amended and refer to Planning Board for review; seconded by Commissioner Arriola; Ballot vote: 7-0.

### **Amendment:**

- ✓ Regarding applicability, if there are alcohol beverage establishments in the process of construction and have applied already **as of** April 13, 2016 for a pending BTR, they can in fact be grandfathered in.
- ✓ Refer to Planning Board to consider narrowing the effect of the Ordinance in the area to the South of 17<sup>th</sup> Street to within 100 feet of any single family home use in the Palm View Neighborhood;

### **DISCUSSION:**

Eve Boutsis, Deputy City Attorney, stated that this item requires a public hearing on both first and second readings. She informed that Rafael Andrade and other individuals had talked to her about the procedure on this item, and for clarification, she explained that the item was referred to the LUDC and at that time, it was split into two parts (Chapter 6 and Chapter 142); first reading of Chapter 6 was to be heard today. Upon further review, in between the LUDC meeting and today, it was determined by the Administration that it is more appropriate to leave Chapter 142 in the same document; they advertised according to the City Code, with first reading and in anticipation of the referral from LUDC to the Planning Board in between first and second reading. The argument being made by Mr. Andrade and others is that this violates the Bill of Rights; however, even if it did violate the Bill of Rights, which she contends it does not, the Bill of Rights does not

provide for the item to be continued. They advertise properly, and they also advertised for the Planning Board as well.

Commissioner Grieco stated that the normal procedure when amending the Land Development Regulations, is for the City Commission to refer the item to LUDC; LUDC discusses it, the item comes back to the City Commission as a referral to Planning Board, then it goes to Planning Board by referral via Consent Agenda, and then it comes back to the City Commission for further discussion on first reading. He asked how this item ended up on the Planning Board Agenda for next week without being referred by the City Commission.

Discussion held.

Thomas Mooney, Planning Department Director, explained that when the decision was made to take the substance of the Ordinance and place it in Chapter 142, what the LUDC looked at was a revision to Chapter 6, and this did not require Planning Board review; therefore, Chapter 6 was referred to the City Commission for first reading. After the LUDC meeting, it was determined that the substance of the language needed to go to the Land Development Regulations (LDRs). They wanted to keep on track to come to the City Commission on April 13, and since Planning Board review was required, they noticed it in advance in anticipation of Commission referral; if needed, the item would be removed from the Planning Board agenda if the referral was not approved. The direction from LUDC was to get this to the City Commission at first reading, and to stay on track, hence they noticed this in advance.

Commissioner Grieco stated that he has concerns about the procedure, as he does not like things going on at staff level that are not within their purview. He does not agree with having City Commission action anticipated, and items must go through the proper course procedurally. He asked his colleagues for their sentiment.

Discussion held.

Raul J. Aguila, City Attorney, in answering Commissioner Grieco's questions, clarified that customarily under Code Section 118-163, which talks about Ordinance amendments, the review by the Planning Board prior to City Commission review is provided by Code, so it is self-effectuating and is in the discretion of staff. It is the Administration's policy to bring referrals to the City Commission, but pursuant to City Code, it is not needed. They can follow whatever policy the City Commission directs them to follow.

Commissioner Malakoff explained the process, and added that residents living on West Avenue and Palm View District have been asking for months for noise and drunkenness relief in the area, due to the 5:00 a.m. licenses. Residents feel their quality of life has been negatively impacted, and that was the reason for bringing this forward. At Committee, they discussed pending applications and decided that it was fair to grandfather in the alcoholic beverage establishments in existence and move forward in an expedited manner to help protect the neighborhoods. The idea is to reduce the number of establishments and have reasonable hours. This was done in consideration of residents being negatively impacted, which is the reason they requested referring the Ordinance to the Planning Board and as the City Attorney has stated, the referral is correctly in front of this City Commission today.

Rafael Andrade, Esq., representing MH Ricky's, LLC, stated that this Ordinance according to the Code is being rushed and they believe due process needs to be followed for the residents and businesses, which are vital to the City's finances. There is a limited group of people who can submit an application to the Planning Board; the City Commission, City Attorney and City

Manager; however, Planning should have never accepted the application from the Assistant City Manager; it should have been submitted by the City Manager. Section 118-162 of the City Code clearly states the process and states that it has to be referred by the City Commission. Secondly, this application is noticed for April 19, 2016 before the Planning Board. In his handout, the application submitted on April 5, according to City rules, the sooner it can be heard is June. If the referral is to be made today by this City Commission, he asks that the City Commission direct staff to follow rules, regulations and laws of the City to comply with all the requirements that applicants are required to comply with.

Discussion held regarding noticing.

Nancy Liebman sat at two meetings to move this forward, and is wondering if these comments are an attempt to suppress this item from moving forward, as there may be some people that may want to be included, and if they wait until June, they will have ten or twelve additional establishments that are causing chaos. She urged moving forward.

Mitch Novick is in support of the Ordinance and added that there is an exodus of businesses in his neighborhood. He urged the City Commission to push this forward.

Paul Freeman, Palm View Neighborhood resident, stated that the quality of life is important, and they urge the City Commission to move the Ordinance forward; however, this does nothing for Palm View residents. They are requesting to get rid of 5:00 a.m. licenses, and urged them to pass this and stop zoning in process as soon as possible. The Palm View residents would like to see this go further throughout the Lincoln Road area to protect the neighborhood.

Jared Galbut stated that over 18 months ago they opened up a new restaurant, Bodega, on 16<sup>th</sup> and Alton, and decided to open up in the space next to it. They invested money in architectural and design drawings, permits, DERM process, etc., but unfortunately, they projected to stay open until 5:00 a.m. He asked that the City Commission reconsider the applicability discussed at LUDC, and discuss businesses that have applied for the BTRs and have permits to be included in the applicability.

James Rauh, Esq., on behalf of MH Ricky's, LLC; spoke on the applicability and due process. He commended the LUDC for their recognition that existing businesses with BTR and those businesses in the approval should be grandfathered in. His client has gone through the process and spent money and effort, negotiated a lease, applied for a BTR, purchased a liquor license and is close to getting the venue open. He asked that this venue be included in the grandfathered exception. Before taking any action, they believe the Ordinance has to go to the Planning Board before the City Commission takes action.

Michael Llorente, Esq., representing Lincoln Road BID, stated that this legislation as currently drafted, applies the same set of rules and regulations to businesses in two different areas, commercial and residential establishments that coexist in one block. In the 17<sup>th</sup> Corridor, the commercial establishments and residential properties have existing buffers with no residential uses on the other side of 17<sup>th</sup> Street. South of 17<sup>th</sup> Street, he suggested adding language specifying that this should apply only to commercial or alcoholic beverage establishments that are located within 100 feet of bona fide single-family residential use. As drafted now, the zone spills into the side streets of Jefferson and Meridian, which have been part of expansion plans, and they feel the side streets should not be covered.

Carter McDowell, representing Mac Alton, LLC, stated that 17<sup>th</sup> Street is a heavily travelled road; by contrast, West Avenue has a wide alley. They asked that as this works through, to consider

not applying these regulations to 17<sup>th</sup> Street, as it is not appropriate in that location since the conditions are very different, and in the substance, in the bottom of the text includes “no special events issued.” He does not think this is what the City intends, and suggested deleting the text “no special events issued.”

Steve Kravitz stated that they cannot legislate human behavior. They have tourists and visitors that want to party until 2:00 a.m.; this provides a place for people to enjoy themselves without disturbing anyone, but there are always going to be some bad apples. He asked the City Commission to take that into consideration in evaluating the Ordinance.

Marie Eeuling Hoy, Miami Beach resident, stated that many people are unable to sleep due to these establishments; they cannot limit the crowds or the noise that resonate in the corridors. She asked for help and for the City Commission to do something.

Graham Penn, Esq., clarified that Section 118-163 reads that the City Commission cannot take any action at Land Development Regulation without the Planning Board recommendation. He suggested having a Planning Board review before proceeding with the first reading.

Mayor Levine summarized comments made and asked the City Attorney to advice.

Raul J. Aguila, City Attorney, stated that with regard to Mr. Andrade’s claim that the notice was defective because it did not follow the Citizen’s Bill of Right, he does not think the notice is defective as it applies to the Bill of Rights, and even if it were, the Bill of Rights provide that this does not negate any action taken by this City Commission with regard to the Ordinance. He asked Eve Boutsis to address the second issue.

Eve Boutsis, Deputy City Attorney, stated that this City Commission has procedurally allowed referral to Planning Board before first and second reading. Advertisements and public hearings went out, and the opportunity to be heard was complied with.

Mayor Levine asked if his colleagues wish to expedite, which he is in favor of.

Commissioner Alemán is in favor of expediting the item and asked the Planning Board to take the concerns raised by Mr. Llorente as far as the buffer zones and vet them out.

Commissioner Malakoff stated that in reference to Section 142-310(a), she suggested instead of stating 100 feet from the south side of 17<sup>th</sup> Street, it should say 100 feet from a single-family residential use in the Palm View District. With reference to applicability, if there are alcohol beverage establishments that are in the process of construction and have applied already as of April 13, 2016 for a pending BTR, they can in fact be grandfathered in.

**MOTION NO. 1:**

Motion made by Commissioner Malakoff to approve the item as amended; seconded by Vice-Mayor Steinberg; Ballot vote: 7-0. Motion passes.

**Amendment:**

- ✓ Section 142-310(a), add instead of 100 feet from the south side of 17<sup>th</sup> Street, 100 feet from a single-family residential use in the Palm View District.
- ✓ Regarding applicability, if there are alcohol beverage establishments in the process of construction and have applied already as of April 13, 2016 for a pending BTR, they can in fact be grandfathered in.

**MOTION NO. 2:**

Motion made by Commissioner Malakoff to refer the item as amended to the Planning Board for review and recommendation; seconded by Commissioner Alemán; Ballot vote: 7-0. Motion passes.

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

**11:25:46 a.m.**

**CORRECTED MOTION NO. 1:**

Commissioner Malakoff corrected her motion to include that the applicability must have a pending BTR prior to April 13, 2016; seconded by Commissioner Alemán. Ballot vote: 7-0.

**1:15:44 p.m.**

**MOTION TO RECONSIDER:**

Motion made by Commissioner Malakoff; seconded by Commissioner Grieco to reconsider item R5F; approved by acclamation.

Commissioner Malakoff moved to reconsider Item R5F. After discussion with Legal, with reference to the alcohol establishments in Palm View and West Avenue, she stated, on the record, that they were looking for a distance separation of 100 feet from single family uses in Palm View to make the change, but this change cannot be made, as the item was advertised stating 100 feet from the south of 17<sup>th</sup> Street. She moved to strike this language; otherwise, it would be a defective notice for the April 19 Planning Board meeting. She also directed to look at the applicability that affected individuals can apply for the BTR for alcoholic beverage establishments as of April 12, 2016, but it must be by April 13, 2016. She moved these two changes, and Commissioner Grieco seconded the motion. Commissioner Grieco assumes that on second reading, the amendment on 100 feet will be made.

**1:17:13 p.m.**

**MOTION 3**

Motion made by Commissioner Malakoff to approve the item as amended and refer to Planning Board for review; seconded by Commissioner Arriola; Ballot vote: 7-0.

**Amendment:**

- ✓ Regarding applicability, if there are alcohol beverage establishments in the process of construction and have applied already **as of** April 13, 2016 for a pending BTR, they can in fact be grandfathered in.
- ✓ Refer to Planning Board to consider narrowing the effect of the Ordinance in the area to the South of 17<sup>th</sup> Street to within 100 feet of any single family home use in the Palm View Neighborhood;

**REFERRAL:**

Motion made by Commissioner Malakoff, seconded by Commissioner Alemán to refer the item to the Planning Board; Voice vote: 7-0.

## Handouts or Reference Materials:

1. Ad published in The Miami Herald No. 1144
2. Planning Board documents distributed by Rafael Andrade, including Sec. 118-163. Review by planning board and Sec. 118-162. Petition for changes and amendments.

**3:58:55 p.m.**

R5G An Ordinance Amending Chapter 2 Of The Code Of The City Of Miami Beach, Entitled "Administration," Article VI, "Procurement," Division 3, "Contract Procedures," By Creating Section 2-376, Entitled "Fair Chance Requirement For City Contractors," And Amending Chapter 62, "Human Relations," By Creating Article V, To Be Entitled The "Fair Chance Ordinance," To Provide Regulations Regarding The Consideration By The City And By City Contractors Of The Criminal History Of Applicants For Employment, And To Provide Limiting Provisions; And Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading**  
(Sponsored By Commissioner Michael Grieco)  
(Legislative Tracking: Human Resources/Procurement)

**ACTION:** Title of the Ordinance read into the record. **Ordinance adopted on first reading as amended.** Motion made by Commissioner Grieco to approve the item; seconded by Commissioner Alemán. Ballot vote: 7-0. Second reading, Public Hearing scheduled on **May 11, 2016**. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda, if received. **Sylvia Crespo-Tabak to handle.**

**Amendment**

Exempt the following positions from the Ordinance:

- Building inspectors
- Code inspectors, and
- Fire inspectors

Nick Kallergis, First Assistant City Attorney, informed that the proposed fair chance or "ban the box" Ordinance would prohibit the City, as an employer, from inquiring about an applicant's criminal background history, until the applicant has been given a conditional offer of employment. At that point, the City could conduct background check, and the City would be required to consider, if the individual has a criminal history, three factors: a) the nature of the offense, b) the time elapsed since the offense, and c) the nature of the job sought, and then make a determination whether than conviction would preclude the person from obtaining that particular position. The Ordinance exempts certain positions from its requirements, for instance, law enforcement officers, fire fighters, Police officers, and others. The Ordinance also exempts any positions for which State or Federal law requires any checks otherwise.

Commissioner Grieco stated that this is a concept introduced to him by the ACLU that has been adopted by different states and municipalities nationwide, including Massachusetts and Hawaii, and it basically allows an employee not to be precluded from the application process if convicted of a crime, and it gets the box asking if they have a felony conviction off the employment application. It is a progressive idea, but he was able to convince the board of Governors for the Miami Beach Chamber to support a Resolution that would allow going Citywide with this concept, which is his goal in the future.

Commissioner Arriola asked if they do criminal background checks on the people with whom the City does businesses.

Sylvia Crespo-Tabak, Human Resources Director, explained that they do criminal background checks before they begin employment, if they are going to be unsupervised, work with vulnerable populations or work at City Hall.

Discussion held regarding disclosing from vendors.

Assistant City Attorney Kallergis stated that this Ordinance imposes the requirement on City contracts for any vendor doing business with the City through the procurement process.

Commissioner Alemán suggested adding Building and Code Inspectors to the category that are exempt from the Ordinance, and Commissioner Grieco adopted that recommendation.

Commissioner Malakoff suggested adding staff in Finance and Budget.

Commissioner Grieco explained that there is a stigma attached to having a criminal conviction on record, whether it is theft or violence; there are hundreds and thousands of people trying to get better jobs and becoming contributing members to society. Background checks will be done always, but if someone applies for a job in Finance and they do a background check, an assessment will be done subsequent to that during the hiring process. He will include Building, Fire and Police, but he does not want to water down the intent of the Ordinance.

Ms. Crespo-Tabak added that the Fire and Police background checks are defined by Statute; however, the City does not have a box to ban, as they have not had a box to check for criminal records in the application for years. She gave an example of a young man who has a record and is employed by the City.

Discussion held.

Vice-Mayor Steinberg stated that the City is more progressive and she is supportive of this Ordinance.

R5H Ethics Ordinance. **First Reading**

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

**ACTION:** Item deferred to the **April 27, 2016** Presentation and Awards Commission Meeting by Commissioner Rosen Gonzalez. Lilia Cardillo to place on the Commission Agenda if received.  
**Office of the City Attorney to handle.**

Handouts or Reference Materials:

1. Email from Raul Aguila dated April 8, 2016 RE: Ethics Ordinance for Commissioner Rosen Gonzalez.

**R7 - Resolutions****10:36:31 a.m.****SUPPLEMENTAL MATERIAL 1: MEMORANDUM & RESOLUTION**

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

**10:15 a.m. Public Hearing**

(Budget &amp; Performance Improvement)

**ACTION:** Title of the Resolution read into the record. Public Hearing held. **Resolution 2016-29361 adopted.** Motion made by Commissioner Alemán; seconded by Commissioner Arriola. Voice vote: 7-0. **Ramon Suarez to handle.**

Ramon Suarez, Interim Budget & Performance Improvement Director, introduced the item. This is the fourth amendment to Capital Budget this Fiscal Year. This amendment increases the Capital Budget by \$16 million, and re-appropriates \$17.5 million between the projects.

Handouts or Reference Materials:

1. Ad in The Miami Herald No. 1139

**10:37:27 a.m.**R7B A Resolution Approving, By 5/7<sup>th</sup> Vote, Following A Duly Noticed Public Hearing, The Naming Of The Stage In The North Shore Park Bandshell In Honor Of Mr. Clark Douglas Burris. **10:25 a.m.****Public Hearing**

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

(Legislative Tracking: Office of the City Attorney)

**ACTION:** Title of the Resolution read into the record. Public Hearing held. **Resolution 2016-29362 adopted.** Motion made by Vice-Mayor Steinberg; seconded by Commissioner Malakoff. Voice vote: 7-0. **John Rebar to handle.**

Vice-Mayor Steinberg stated that we have all heard the stories about this wonderful teacher, legend and man - a positive influence in our community. Vice-Mayor Steinberg believes that it is the right thing to name the Bandshell stage after Mr. "B," as he was affectionately known. She acknowledged the students in the audience who are in support of this Resolution. Vice-Mayor Steinberg stated that when she posted on Facebook regarding the stage in the North Shore Park Bandshell being named in honor of Mr. Clark Douglas Burris, within 24 hours her post was shared 200 times.

Commissioner Malakoff stated that she knew Doug Burris for many years when he coached the Rock Ensemble. Her dear friend Ann Curless was in the Ensemble and Ann went on to have a wonderful career in a girls group called Exposé. Mr. Burris was just phenomenal; he was a coach to so many musicians that have had such wonderful careers. Naming the Bandshell stage after Mr. Burris is very important, and will last forever; just as the memories of all the students who learned from him. Mr. Burris' courage throughout these years is to be admired. David Knew, who was Chair of the Disability Committee for Miami Beach for six years, was in the audience earlier today, and he is putting forward a jazz festival where all the musicians playing will have a disability. Doug Burris lead the way, and she is proud to be naming the Bandshell stage after Mr. Burris.

Rodger, a Rock Ensemble alumnus, stated that Mr. Burris was locked up at home during a winter storm in upstate New York in the late 1960s, and as he watched the Mike Douglas Television Show, which was being broadcast live from the Bandshell, he decided that one day he would move to Miami Beach.

Iran Garcia, current Rock Ensemble Director and Rock Ensemble alumni, stated that Mr. Burris was not only a teacher, but he worked on his craft with nonstop dedication for the benefit of his students, the City, the State and the Country. Mr. Burris' students have opened up for the Rock & Roll Hall of fame, what other teacher can say that? His students went off to be politicians, famous musicians and members of numerous other occupations. Teachers do not get the recognition they deserve, and this would be a great honor not only for teachers, but also for all of Mr. Burris' students.

Vice-Mayor Steinberg will notify everyone when the unveiling of the naming will be done.

Handouts or Reference Materials:

1. Ad in The Miami Herald No. 1139

R7C A Resolution Authorizing Three (3) Waivers Of Development Regulations, By A 5/7 Vote Of The City Commission, After Public Hearing, Pursuant To Section 142-425(d), Of The City's Code, For The Altos Del Mar Park Project, And Adjacent Parking Lot, Parking Lot No. P-106, Located At 75<sup>th</sup> Street And Collins Avenue, Within The Harding Townsite/South Altos Del Mar Historic District And Within The Altos Del Mar Neighborhood: (1) A Waiver Of Section 142-802(3), Of The City Code In Order To Reduce The Required Oceanfront Overlay Side Setback From 15 Feet To 10 Feet; (2) A Waiver Of Section 142-802(3), Of The City Code In Order To Reduce The Required Rear Setback From 10 Feet From The Bulkhead Line To One (1) Foot, Four (4) Inches In Order To Construct The Proposed Bathroom And Storage Building Within Parking Lot No. P-106; And (3) A Waiver Of Section 142-802(7), Of The City Code, As The Existing Parking Lot (P-106) And Proposed Bathroom Exceed The Oceanfront Overlay Minimum Requirement That At Least 50 Percent Of The Required Rear Yard Setback Be Open To The Sky And Landscaped. **10:30 a.m. Public Hearing**

(Capital Improvement Projects/Planning)

**ACTION:** Item deferred to the **July 13, 2016** Commission Meeting. Lilia Cardillo to place on the Commission Agenda. Rafael E. Granado to notice. **David Martinez and Thomas Mooney to handle.**

Handouts or Reference Materials:

1. Ad in The Miami Herald No. 1139
2. Ad in The Miami Herald No. 1141
3. List of labels used in noticing property owners within 375 feet of the property of Resolution.
4. Notices posted on 3.22.2016
5. Email from Thomas Mooney dated 3.22.2016 to Yorusalem Mengistu RE: Ad 1141 with attached extra set of labels.

R7D A Resolution Pursuant To Section 82-37(a), Of The City Code, Setting A Public Hearing To Approve The Vacation Of Atlantic Way (Arioso Way), Between 76<sup>th</sup> Street And 77<sup>th</sup> Street, Consisting Of A Thirty (30) Foot Wide Right-Of-Way, Containing Approximately 9,000 Square Feet In Total Area, Attached Hereto As Exhibit A, As Shown On The Corrected Plat "Altos Del Mar No. 1," Recorded In Plat Book 31 At Page 40, Of The Public Records Of Miami-Dade County, And Lying In A Portion Of Government Lot 2, Section 2, Township 53 South, Range 42 East, City Of Miami Beach, Said Vacation In Favor Of The Adjacent Property Owners, The City Of Miami Beach And The Owners Of 7605 Collins Avenue; Further Waiving, By 5/7<sup>th</sup> Vote, The Competitive Bidding And Appraisal Requirements Pursuant To, Respectively, Sections 82-39(a) And (b) Of The City Code, Finding That The Public Interest Would Be Served By Waiving Such Conditions; And Conditioning The Vacation On (1) The Issuance Of A Quit Claim Deed To The City Of Miami Beach And To The Owners Of 7605 Collins Avenue; And (2) Requiring The Owners Of 7605 Collins Avenue's To Execute A Covenant Running With The Land That The Vacated Property Identified In Exhibit B, Not Be Constructed With Habitable Space Due To The Existing Non-Exclusive Perpetual Easement Along The Length Of The Vacated Area; And Referring This Item To The Finance And Citywide Projects Committee, As Required By Section 82-37(a)(1), Of The City Code.

(Office of the City Attorney/Capital Improvement Projects)

**ACTION:** Item deferred to the **July 13, 2016** Commission Meeting. Lilia Cardillo to place on the Commission Agenda. **Office of the City Attorney and David Martinez to handle.**

**11:56:42 a.m.**

R7E A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Proposals With Respect To Phase II Of The RFP Selection Process, Pursuant To Request For Proposals (RFP) No. 2015-133-YG, For Design Build Services For Neighborhood No. 8: Central Bayshore South Right-Of-Way Infrastructure Improvements; Authorizing The Administration To Enter Into Negotiations With Ric-Man International, Inc.; And Should The Administration Not Be Successful In Negotiating An Agreement Within The Available Budget With Ric-Man International, Inc., Authorizing The Administration To Terminate Negotiations And Enter Into Negotiations With Lanzo Construction Co.; And Should The Administration Not Be Successful In Negotiating An Agreement With Lanzo Construction Co., Authorizing The Administration To Terminate Negotiations, And That The City Manager Provide A Recommendation For Further Review By The City Commission; And Further Authorizing The Mayor And City Clerk To Execute An Agreement Upon Conclusion Of Successful Negotiations By The Administration.

(Procurement/Capital Improvements Projects)

**ACTION: Resolution 2016-29363 adopted.** Motion to approve made by Commissioner Grieco; seconded by Commissioner Malakoff. Voice vote: 6-0; Absent: Commissioner Rosen Gonzalez **Alex Denis and David Martinez to handle.**

David Martinez, CIP Department Director, introduced the item. This is to accept the recommendations of the City Manager to proceed with negotiations with the top ranked firm Ric-Man International, in order to proceed with the right away infrastructure improvements for the Central Bayshore South project. The amounts in questions are \$18,061,646, and an additional \$1.3 million in contingency, for a total of \$19,361,646. This is for the neighborhood south of 34<sup>th</sup> Street, between Pinetree Drive, Prairie and Meridian Avenues south to Dade Boulevard.

Jimmy L. Morales, City Manager, stated that originally all of Bayshore was under one contract with Lanzo. Lanzo ran into a great deal of problems a few years ago with the South portion, as a result the City took that back and reengineered it in light of the new standards and bid it out. Both

Lanzo and Ric-Man bid, and Lanzo came in about \$10 million less expensive. It was good competition.

**4:16:49 p.m.**

R7F A Resolution Approving And Adopting The City Of Miami Beach Local Housing Assistance Plan (LHAP), Attached To This Resolution, For The State Housing Initiatives Partnership (SHIP) Program For Fiscal Years 2016/2017, 2017/2018, And 2018/2019, As Required By The State Housing Initiatives Partnership Program Act, Subsections 420.907 - 420.9079, Florida Statutes; Authorizing The Mayor And City Clerk To Execute The Necessary Certifications; Authorizing The Administration To Submit The LHAP To The Florida Housing Finance Corporation (FHFC) For Its Review And Approval; Authorizing The Appropriation Of SHIP Program Funds For Fiscal Years 2016/2017, 2017/2018 And 2018/2019, In Amounts To Be Determined By The State Of Florida Or Such Final Allocation Amounts As Adjusted By The FHFC; And Further Authorizing The Appropriation Of Any Interest Accrued Thereon For Eligible Activities Under The SHIP Program Rules.

(Housing & Community Services)

**ACTION: Resolution 2016-29364 adopted.** Motion made by Commissioner Malakoff to approve the item; seconded by Commissioner Alemán. Voice vote: 7-0. **Maria Ruiz to handle.**

Maria Ruiz, Housing and Community Services Director, introduced the item. This is a compliance item. As a recipient of SHIP funds from the State of Florida, we are required to file every three years a plan that states the parameters that we will use to ensure compliance in the use of the funds, and stay compliant with the program. The LHAP stays pretty much the same; from period to period, the City does not have a great deal of change. There is a requirement that this be filed this year.

**4:17:26 p.m.**

R7G A Resolution Authorizing The City Manager And City Clerk To Execute Short Form Lease With The Florida Department Of Transportation ("FDOT") For The Continued Use Of Land Within FDOT Right-Of-Way Along The Julia Tuttle Causeway, Which Lease Is Attached Hereto As Exhibit 1.

(Public Works)

**ACTION: Resolution 2016-29365 adopted.** Motion made by Commissioner Malakoff; seconded by Commissioner Alemán. Voice vote: 7-0. **Eric Carpenter and Jay Fink to handle.**

Jay Fink, Assistant Public Works Director, introduced the item. This is a short-term lease to allow the City to utilize a staging area within the cloverleaf at the east end of the Julia Tuttle Causeway, between Alton Road and the Cloverleaf at 41<sup>st</sup> Street. The City had once used this property as a staging area and for hurricane debris storage. When Alton Road was being rebuilt, FDOT took it back, and their contractor has been there. Since Alton Road is almost completely repaired, the City would like the opportunity to get in there and utilize the site again. The long-term arrangement will take some time, but FDOT has offered the short-term lease that is in front of the Commission, and he is requesting permission to authorize the City Manager to Execute the Short Form Lease.

City Manager Morales stated that we need this.

4:18:29 p.m.

**SUPPLEMENTAL MATERIAL 1: MEMORANDUM & RESOLUTION**

R7H A Resolution Accepting Recommendation Of The City Manager Regarding The Existence Of A Public Emergency And, Accordingly, Waive, By 5/7<sup>th</sup> Vote, The Competitive Bidding Requirement, Finding Further That The Best Interest Of The City Would Be Served By Such Waiver; Authorizing The City Manager Or His Designee To Negotiate Amendment No. 5 To The Design-Build Agreement Between The City And Lanzo Construction Co. ("Lanzo"), Which Original Agreement Was Approved Pursuant To Resolution No. 2014-28765, For The Sunset Harbour Pump Station Retrofit And Drainage Improvements Project; Said 5<sup>th</sup> Amendment, In The Not To Exceed Amount Of \$3,875,322, Is Needed In Order To (1) Bring Parking Lot No. 46, The Purdy Boat Ramp, And The Purdy Marina Parking Lot, Located At West Avenue From 18<sup>th</sup> Street To Dade Boulevard, To 3.7 Feet NAVD Elevation; (2) Expand Pump Station No. 2; And (3) Construct Of A Discharge Outfall Pipe, Including Associated Water, Sewer, Landscaping, Lighting And Irrigation For Parking Lot 46, Purdy Parking Lot, And West Avenue; Further Authorizing The Mayor And City Clerk To Execute The 5<sup>th</sup> Amendment, Upon Completion Of Successful Negotiations.

(Public Works)

**ACTION: Resolution 2016-29366 adopted.** Motion made by Commissioner Alemán; seconded by Commissioner Grieco; Voice vote: 5-2. Opposed; Vice-Mayor Steinberg and Commissioner Gonzalez. **Eric Carpenter to handle.**

Eric Carpenter, Assistant City Manager, Public Works Director, introduced the item. This is a change order for Lanzo construction, who is working in the Sunset Harbour neighborhood, to incorporate the following additional scope items:

1. The parking lot adjacent to Maurice Gibb park.
2. The parking lot that is part of the marina.
3. Some design work and long-term modifications to the sanitary sewer system, and
4. Expansion of pump station number two. While the City was doing the marina work, there was also contemplation of a fourth pump station at Sunset Harbor. The Administration thought about staging it at the east end of 18<sup>th</sup> Street in the triangle parcel, but while we are there working in the marina parking lot, we could do this work at the same time and experience some cost savings.

In response to Mayor Levine's question, Mr. Carpenter stated that the total cost is \$3.8 million.

Mayor Levine asked if no one anticipated this work. Mr. Carpenter stated that there are portions of this work that were anticipated, and there are portions of this work that are opportunity work. The park work, the marina work, at some point of time we are going to do it, it just makes sense to do it while the contractor is out there. Certainly, it is not a "have to," but it is a significant "want to."

Commissioner Rosen Gonzalez asked what is wrong with the park and marina. Is the City raising them to match everything? Everyone uses the park. If we close that park down everyone will be upset.

Mr. Carpenter stated that the park is a different animal, but the parking lot adjacent to the street was about of foot and half above the roadway elevation; when the City raised the street up, the parking lot is now below it and it currently does not have any drainage. Therefore, it will see flooding during rain events, and we would like to see the parking lot redone while we are doing the construction.

Commissioner Rosen Gonzalez reiterated that what is being proposed will take a long time to do, and will be so inconvenient. She asked if the project could be done in phases.

Mr. Carpenter responded that most of the construction activities that Lanzo has included schedules in their proposals are approximately 30 days of construction. Therefore, while Lanzo is out there, it is best to knock it out and be done with it.

Commissioner Rosen Gonzalez commented that she has been told that the last time we bid something out, the City saved \$10 million. So, the \$3.8 million that we were giving to Lanzo, if we put this out to bid, how much would we save?

Mr. Carpenter answered that it is hard to say because there are some items that we put out to bid and it ends up costing the City more money than it anticipated. There are some items that the City puts out to bid and it cost the City less. It depends on who bids the job and where they see opportunities.

Mayor Levine asked if this is something where if Lanzo is already there, they will be able to do it less expensive. Mr. Carpenter responded that he believes that because Lanzo is there, and they are mobilized, the City would be getting it for a competitive rate, if not cheaper than what the City would get in the market.

Commissioner Rosen Gonzalez inquired if Mr. Carpenter could negotiate further with Lanzo. If the City does not send this out to bid and the City waives the bid would Lanzo reduce the price? This is \$4 million change order, if Lanzo does not reduce its price she believes the City should bid it. The City could save a million dollars.

Mr. Carpenter stated that what he has been told by his staff is that they have beaten this contractor up to the point where staff believes this is a reasonable price. If the Commission wants to negotiate further, the Administration can always bring it back to next month's Commission meeting. Lanzo should be finishing up in the next three or four months, so we do not want to wait too long.

Mayor Levine asked if Mr. Carpenter thought there was further savings, or if they were at a reasonable price. Mr. Carpenter responded that in his opinion they are at a reasonable price. At some point in time, the City has to do this work as it is a City parking lot, and the equipment is out there. Mr. Carpenter added that in his option the City should do the marina work before it gets into any kind of pilot water taxi program.

**4:35:38 p.m.**

**SUPPLEMENTAL MATERIAL 2: AGREEMENT**

R7I A Resolution Approving And Authorizing The Mayor And City Clerk To Execute A Second Amendment To The Residential Solid Waste Agreement ("Second Amendment") With Progressive Waste Solutions Of FL, Inc.; Which Second Amendment Agreement Is Attached Hereto As Exhibit 1, And Is Scheduled To Commence On September 1, 2016; And Further Terminating The Pending Solicitation Under RFP No.: 2015-258-WG.

(Public Works)

**ACTION: Resolution 2016-29367 adopted.** Motion made by Commissioner Malakoff; seconded by Vice-Mayor Steinberg. Voice vote: 7-0. **Jay Fink to handle.**

Jay Fink, Assistant Public Works Director, introduced the item. In February, the City Commission directed to negotiate with Progressive to try to come up with better terms; they have taken into consideration the Sustainability Committee's request regarding textile recycling and electronic waste recycling. This is the two one-year extensions; it has no cost increase for in the first year, the only increase for the second year is the pass through by the County. At the request of the Commissions, the Level of services will be increased in bulk waste pick up from four to five times per year for bulk pick up. Additionally, instead of a five-business day turnaround, there will be a three-business day turnaround for bulk pick up. They have also included a corporate commitment to a greener operation and a sustainability model.

Mayor Levine stated that he receives a great deal of commercial pick up complaints, and inquired who does the commercial waste disposal. Mr. Fink responded that commercial pick up is under a franchise agreement.

Commissioner Malakoff also receives numerous complaints regarding the commercial pickup.

Mayor Levine and Commissioner Malakoff listed the types of complaints they receive, ranging from irresponsiveness, lack of customer service, and dropping garbage in the streets.

Mr. Fink asked that they forward any such complaints to him, and he will jump right on them.

Mr. Fink clarified that Progressive only does the residential component not commercial.

Commissioner Malakoff added that Progressive does a very nice job.

**11:27:39 a.m.**

R7J A Resolution Approving Amendment No. 3 To The Management Agreement Between The City And Live Nation Worldwide, Inc. (Live Nation) For The Management And Operation Of The Jackie Gleason Theater Of The Performing Arts, Now Named And Known As The Fillmore Miami Beach At The Jackie Gleason Theater.

(Tourism, Culture & Economic Development)

**ACTION: Resolution 2016-29368 adopted.** Motion made by Commissioner Arriola; seconded by Commissioner Alemán. Voice vote: 7-0. **Max Sklar to handle.**

Max Sklar, Tourism, Culture & Economic Development Department, introduced the item. The item before the Commission is an amendment to the agreement the City has with Live Nation for the management and operation of the Jackie Gleason Theater Fillmore Miami Beach. The City has an agreement with Live Nation with an initial term of 10 years. The initial term expires August 2017. There are two additional five-year options. The first five-year option is at Live Nation's sole discretion, and the second is a mutual option. This item before the Commission is an amendment to the agreement, and it does not address any extension. The extension provision is still available to Live Nation; they have until the end of this year to exercise that option. However, as part of the agreement, Live Nation contributes about \$1.2 million the City, and Live Nation is responsible for the cost of funding all the operations, maintenance and capital improvement to the facility. Since the beginning of the agreement, Live Nation has lost money in every year of operation of the facility, roughly \$300,000 a year. Live Nation approached the City about 18 months ago, to talk about some amendments to the agreement and clarify some terms that would give Live Nation an opportunity to generate some more revenue, and potentially recoup some of their losses. The City negotiated those terms with them, and the amendments have been before the Finance Committee about three times last year. However, because of the Convention Center Hotel

discussion, bringing this item before the Commission was delayed until after last month's referendum. As part of this negotiation, the City also negotiated terms and conditions that should this City proceed with the Convention Center Hotel in the location that is currently contemplated, at the parking lot in the Corner of 17<sup>th</sup> Street and Convection Center Drive, the parties have already agreed to terms where the City would be allowed to demolish the rehearsal hall and use the loading dock as part of the location of the development, and allowances that would be given to them if the City were to exercise that option at some point in future. There are also adjustments where Live Nation will be allowed to have alcohol bottle service at the facility, which they are currently not allowed to sell; they will be allowed to have performances until 2:00 a.m. and serve alcohol until 2:00 a.m. There are currently two carve outs for alcohol – New Year's Eve and Winter Music Conference; this amendment would eliminate these two carves out, and Live Nation would be able to serve alcohol until 2:00 a.m. essentially all year long. Live Nation would be allowed to have DJ EDM (electronic dance music) programming without any restrictions throughout the year. Live Nation is being allowed to increase the valet charge, and have the ability to pre-sell valet service as part of the ticket and keep the up-sell portion of that revenue. The City has also negotiated the ability to give an additional 12, for a total of 24, grants that would allow non-profits to use the facility rent free, and the City would pay for that via a dedicated fund. The parties have clarified language regarding the CPI adjustment. The City is giving Live Nation an annual credit of \$165,000 due to the chill water that Live Nation has to pay for, which when Live Nation first went into the building the City expected those costs to be substantially lower, so this adjusts it going forward, it does not give Live Nation a credit for any of the expenses they have had in the past.

In response to a question from the Mayor, Max Sklar responded that this has been fully vetted and the Finance Committee endorsed it a few months ago.

Vice-Mayor Steinberg stated that this was vetted at the Finance Committee, and it came back a few times. Because of the examinations at Finance, this item is better for it, as the members of the Finance Committee had concerns that have been addressed. The language is open enough that if the City wanted to do something in the future it gives the flexibility.

Commissioner Arriola stated that these are exiting amendments and it opens up the Fillmore to some great entertainment. It is exciting and he loves it.

Commissioner Alemán stated that this is a good partnership, and Live Nation does a nice job with the programming.

Max Sklar mentioned that there is a clarification regarding the complimentary ticket policy. Up until now, there are 24 tickets the City receives for distribution, to designated individuals for every show. This eliminates that provision as well.

**1:19:16 p.m.**

R7K A Resolution Authorizing The City Manager To Exercise Two (2) One (1) Year Renewal Terms Of The Agreement Between The City Of Miami Beach And Service America Corporation D/B/A Centerplate ("Centerplate") For Catering Concessions At The City Of Miami Beach Convention Center; Further Accepting The City Manager's Recommendation And Waiving, By 5/7<sup>th</sup> Vote, The Competitive Bidding Requirement Pursuant To Section 2-367 Of The City Code, For The Limited Purpose Of Approving An Additional Two (2) Year And Three (3) Month Renewal Term, And Finding Such Waiver To Be In The Best Interest Of The City; And Authorizing The Mayor And City Clerk To Execute Amendment No. 1 Of Said Agreement, With Said Agreement Having A Term Commencing On July 1, 2016, And Ending On September 30, 2020.  
(Tourism, Culture & Economic Development)

**ACTION: Resolution 2016-29369 adopted.** Motion made by Commissioner Alemán; seconded by Commissioner Arriola. Voice vote: 7-0. **Max Sklar to handle.**

City Manager Morales explained that in light of the construction of the Convention Center building, it made more sense to give Centerplate an extension, rather than go back out to bid at this point. The recommendation is to do a three-year extension.

Max Sklar, Tourism, Culture and Economic Development, explained that we have two renewal option available to us to in this current agreement, so the Administration wanted to exercise those; and then the Administration is recommending another two years and three months – the three months is to get this agreement onto our fiscal year because we are off-cycle, so we are actually dealing with three different fiscal calendars with this contract. The additional two years is to get it on the same cycle as all of the City's other contracts at the Convention Center. We renewed to get through construction and give them an opportunity after construction to recoup some money that they, because of the loss of revenue occurring through the construction period.

City Manager Jimmy L. Morales explained that once the building is open and brand spanking new, it would then be the appropriate time to go out to bid for these new contracts.

**2:29:51 p.m.**

R7L A Resolution Accepting The Recommendation Of The Neighborhood And Community Affairs Committee (NCAC) And Approving, In Concept, A Pilot Program For Water Taxi Services At The Purdy Avenue Dock; Authorizing The Administration To Negotiate An Agreement With Water Taxi Miami, Inc. For The Pilot Program, Pursuant To Invitation To Negotiate (ITN) 2014-326-JR For A Public Waterborne Transportation Concession; Said Agreement Having A Term Of One Year, Based Upon The Essential Terms Set Forth In This Resolution; And Further Authorizing The City Manager To Execute The Final Negotiated Agreement.  
(Transportation)

**ACTION: Resolution 2016-29370 adopted as amended.** Commissioner Grieco moved to approve the pilot program. The final agreement negotiated must include a notice and cure provision. Any expansion of operations by the vendor, based on demand, even in the interim, must be preapproved by the City Commission. The City must explore all funding options in order to construct a proper dock that addresses the needs of motorized and non-motorized vessels. In order to stop the commercial operations at the Purdy dock, the City shall retain a full-time employee during the day. Seconded simultaneously by Commissioner Malakoff and Vice-Mayor Steinberg. Voice Vote: 7-0 **Jose Gonzalez to handle.**

**TO DO:**

Provide quarterly reports/updates via LTC, which provide data such as ridership, financials, schedules, marketing efforts, etc. **Jose Gonzalez to handle.**

Jose Gonzalez, Transportation Director, introduced the item. At the March 11, 2016 meeting of the NCAC, he provided an update on the water taxi service, and discussed a couple options and some recommendations. One of the options that was discussed and was conceptually approved by the Committee was to move forward with a one-year pilot project of limited service; limited between Friday and Sundays, operating out of the Purdy Dock. This pilot program was proffered by the concessionaire. They concessionaire felt they need some time to build up their ridership to ramp up the service, and to determine whether this is a service that would be feasible on a permanent long term basis. The terms of the pilot service are in page 3 of the memorandum. In summary, the concessionaire would be servicing the Purdy Dock as part of the current water taxi route between Bayside Market Place, the Fifth Street Marina and the Sea Isle Marina (which is the Omni on the Miami side.) Weekend operation between Friday to Sunday, using a 38-passenger vessel with the ability to accommodate bicycles. Hours of operation at the Purdy Dock would be from 11:30 a.m. to 7:00 p.m. Those would be the summertime hours, with the ability to extend from 7:30 a.m. to 11:30 p.m. Once demand warrants, the frequency of service would be every 90 minutes. The proposed rates are: Children under one year of age no charge. Adults and children over 1 years of age would pay \$15 for one-way trip, \$30 round-trip and reduced fare for residents, senior citizen and veterans of \$10 for one way and \$20 for roundtrip. The concessionaire is offering a monthly pass for \$95 and an annual pass for \$295. As part of this pilot service, our recommendation is that we aggressively enforce any violations that are occurring at the Purdy Dock. We are aware that there are commercial activities at the Purdy Doc that are not permitted, so we are making that recommendation. The Administration pushed the concessionaire to fund a dock master, which would be a City employee funded by the concessionaire. The concessionaire stated that they had concerns with fully funding a dock master. However, they did commit to providing a water taxi attendant during their operating hours, and contributing a portion of each ticket sold to fund the dock master. One issue Mr. Gonzalez wants to highlight, which is critical to the success of any water taxi operation is the need to have an appropriate docking facility or terminal to accommodate the vessels and which has amenities for passenger. That has been a major hurdle throughout the solicitation because when the invitation to negotiate went out, we placed that responsibility on the concessionaire to provide. We looked at other successful water taxi operations, and for that reason we are recommending for the City to move forward with designing, permitting and building its own permanent dock at Purdy Avenue that could incorporate a water taxi as well as a kayak launch. The Administration is trying to find funding as part of the Fiscal Year 16/17 Budget process. As an alternative to the entire pilot program, the Commission may wish to wait for funding to be identified, the dock to be constructed and then issue a new solicitation for water taxi service but without that dock requirement.

Mayor Levine stated that this is a big transportation issue. All transportation is going to require public funding in every city and state across the United States of America. Transportation whether on land, trains, buses, trolleys or ferries cannot operate economically in the private sector by itself unless it receives public assistance. Do you want to see our waterways utilized to reduce our traffic and provide water transportation back and forth? The reason the Mayor is saying it this way is straight forward – as a Commission we are going to have to philosophically decide that we want to get involved and publically assist this, whether is building the proper dock the right way so we can have transportation on the waterways, and/or possibly subsidizing a significant water taxi operator to be able to operate this service. What you are going to find is that it will not necessarily work on its own, and It will only be for tourists and sight-seeing and the City will not get what it wants.

Commissioner Malakoff stated a larger ferry-type vessel makes sense, because it could be used by commuters. For us to subsidize water taxi service with 38 passengers only on the weekends is the tourist trade, and she does not think the City should be subsidizing that. Commissioner Malakoff thinks the alternative should be to construct the proposed Purdy Avenue Dock and kayak launch and then issue a new solicitation for a larger ferry-type vessel, which is one of the alternatives being proposed. Unless we take care of commuters, who go between Miami and Miami Beach and Miami Beach and Miami on a regular basis, so people can count on and know every morning at 7:30 a.m. and 8:30 a.m. there will be a ferry going back and forth so they can use it to go to work and back, other than that Commissioner Malakoff does not think we should be subsidizing a service that is merely a tourist's weekend trip.

Commissioner Alemán agrees with Commission Malakoff. Pursuing a larger vessel allows the City to bring the per-trip price down. These prices are not reflective of a commuter price point. She does not see residents wanting to pay \$20 to \$60 a day to get back and forth to work; it does not make sense to her. Therefore, she thinks that we need to pursue it the way that Commissioner Malakoff described, and make sure that in the request we outline a per-trip schedule that makes sense for a commuter.

Vice-Mayor Steinberg agrees with Commissioners Alemán and Malakoff, as they make good points.

Mayor Levine stated that if we want to utilize our waterways, we have to build a significant dock fast; otherwise, the City will not get to the next level.

Commissioner Malakoff added that she met with the Transportation Department and the City Manager; she mentioned that because of the narrowness of the water where the Purdy Dock might be built that it may not be the best place for a ferry stop. She inquired if they could use some place near the Miami Beach Marina, which is a much wider bay there and ferryboats could come across there easily.

Jose Gonzalez responded that the Miami Beach Marina is currently being used as part of the operation, and that is part of the ITN. The concessionaire is already operating a water taxi out of the Miami Beach Mariana, just not part of the City's solicitation.

Commissioner Malakoff is referring to a larger ferryboat than can carry more passengers than 38, and therefore bring the price down and be on a regular basis like in Venice. You know you can count on them, and yet have it be within reason so it is not just for tourist but also for residents. Would you rather sit in traffic on the causeway or go on a boat and read a book on the iPad, Commissioner Malakoff asked.

Mayor Levine clarified that the ferries desired by the Commission are crafts that a little larger than the one being offered, that is for deep water, and carries 50 to 75 passengers.

Jose Gonzalez explained that what was specified in the ITN was a vessel that would have two decks, with the first deck fully enclosed and air-conditioned. The Second deck would be exposed. Passenger capacity would be upwards of 40 or 50 passengers.

Mayor Levine stated that if we want the level of service we are looking for, his instinct is that the City may have to get involved in subsidizing it because it is not going to make economic sense to most operators.

J.C. Planas, who represents the water taxi consortium, stated that it is their intention to provide that service. Mr. Planas recounted that when Metrorail opened, one of the first complaints was that it was taking people from where they are not, to where they do not want to go. Any type of transportation that is going to work has to develop organically, and one has to develop the need. One of the things that they wanted to do was develop the need for the residents, and you do that by the weekends. Mr. Planas understands that the City Commission sees this as something that is geared for the tourists, but for every tourist that comes on a water taxi, it is one less car that comes over the causeway, which is important to the City. His clients want to develop something everybody from those buildings in the area say "what is that? Alternatively, they say "I want to ride on that." After they have had a summer pilot program, by the fall they start carrying people from the various stop in Miami Beach to Bayside and the Metrorail stops. However, this has develop organically, if you build a double decker ferry right away they will lose money, and they will be going out of business before they make any money.

Mayor Levine stated that we should try it, do a pilot program and learn from your mistakes.

Mr. Planas added that it is their goal to get to the double-decker boats because they want to be the Staten Island Ferry of Miami.

Commissioner Alemán is also concerned that when the City issued this request, the City specified that the partner would have to provide the docking and that was not viable and now the City is thinking about providing the dock, but we only had one bidder. The reason these price points may be so high is the concessionaire was not motivated to negotiate. If the City is going to take the docking peace out, then perhaps the City needs to go and rebid it because that's another method of getting the per trip cost down, which will yield a better pilot result.

Mr. Planas understands, but explained that this is a consortium of all water taxi operators in Miami-Dade County.

Commissioner Rosen Gonzalez inquired as to why the City is subsidizing County transportation; we need to go to the County and ask them to provide money for this program.

Mr. Planas added that there are grants the City may apply for to build the dock, so it will not be out of the City's pocket. However, Mr. Planas suggested that before the City spends money, the program must be developed organically.

Commissioner Alemán stated that she does not want to be subsidizing tourist mini-cruises.

Mr. Planas stated that his clients do not want to do that either; however, with the infrastructure now they can do the tourist type ridership, which will build the demand of the people in these five or six buildings right by the Purdy Marina, and it will build the ridership over the summer.

Mr. Planas, in response to the Mayor's question, stated that there is a resident discount price.

Vice-Mayor Steinberg cautioned against any subsidies at this time.

Mayor Levine suggested trying it, seeing how it goes and come back.

Commissioner Grieco stated that there no subsidy built into this pilot program. This is a no-risk venture for the City. If it does not work, the Commission can revisit it.

Bruce Backman, a resident of the Sunset Harbour neighborhood, addressed the Commission. Mr. Backman stated that no one has reached out to the neighborhood or community. He is concerned about the hours, although if until 7:00 p.m., that may be acceptable; the noise; and the possibility that it becomes a drinking/booze cruise. Mr. Backman inquired about the footbridge and a kayak concession.

Mr. Planas stated he wants to reach out to the community and have a presentation in the buildings, because if they can get enough people to ride, they may be able to include Monday through Friday service if there is enough demand.

Commissioner Rosen Gonzalez inquired how much it costs for a parking for an employee who works in a hotel. Kathie G. Brooks, Assistant City Manager, responded that is between \$75 to \$100 a month, depending if it is a surface lot or garage. Commissioner Rosen Gonzalez then stated that the water taxi, to compete, must be at \$75 for a monthly pass, and then work with the Tourism Department and the hospitality industry to fill up the boats. Ms. Brooks explained that they are providing a yearly pass for \$295 (approximately \$24.58 a month).

Mr. Planas explained that on the Miami side there is public transportation including Metrorail and Metromover to Bayside. The consortium could also work with County coordinate the bus schedule to bayside to take into consideration the water taxi. Bayside is a hub.

Discussion continued.

Commissioner Alemán asked as to whose responsibility is to market this program during the pilot program, is it the concessionaire or the City. Mr. Planas responded that it was a joint responsibility.

Commissioner Alemán requested a concerted marketing effort since the neighbors did not know about it.

Mayor Levine stated that he believes we should make plans to build a dock.

Commissioner Malakoff asked Jose Gonzalez apply for grants for the dock, because Mr. Planas suggested the City could be awarded grants.

Kathie G. Brooks, Assistant City Manager, explained that most likely the grants available would be Florida Inland Navigation grants, which request a 50% match by the City. It would still require the City to come up with some funding.

Mayor Levine stated that he could not think of a better investment in the City's infrastructure than developing the City's waterways and our ability to transport.

**MOTION:**

Commissioner Grieco moved to approve the pilot program, with an understanding if there is any expansion, even in the interim, that the vendor wishes to seek because of demand, the request must be brought to the Commission. Furthermore, as part of the motion, he wants the City to explore all funding options regarding the proper docking, one that addresses the issue of motorized and non-motorized vessels, and removing commercial activities from the dock.

Mayor Levine suggested adding to the motion a consideration for a dock master there; it is the responsibility of the City.

Gisela Torres, Senior Assistant City Attorney, stated that the City is working on designing a dock and launch at Maurice Gibb Park, for non-motorized vehicles.

Mayor Levine recommended to his colleagues having a dock master at the Purdy dock and for the City to pay for it; the dock master should be based out of the Marine Patrol Office located right next to the dock.

Commissioner Grieco reminded his colleagues that the policy is to forego any commercial uses and make it a resident-only boat launch and the City would make it residential only parking.

**REVISED MOTION:**

Commissioner Grieco moved to approve the pilot program. However, any expansion of operations by the vendor, based on demand, even in the interim, must be preapproved by the City Commission. Furthermore, the City must explore all funding options in order to construct a proper dock that addresses the needs of motorized and non-motorized vessels. In order to stop the commercial operations at the Purdy dock, the City shall retain a full-time employee during the day.

Vice-Mayor Steinberg requested quarterly updates, as she wants to see the progress and see if it is an effective program. Vice-Mayor Steinberg also requested a termination for convenience clause in the agreement, giving the City the right to terminate the agreement at any point.

Discussion held regarding the use of the Sunset Harbor garage and trolleys to provide access to individuals wishing to use the water taxi.

Mr. Planas stated that the concessionaire would agree to report on a quarterly basis, but termination prior to one year provides no incentive.

Vice-Mayor Steinberg wants the option to terminate, as is customary in most City contracts, for example if the water taxi program turns out to be disruptive to the neighborhood.

Gisela Torres, Senior Assistant City Attorney, stated that most City contracts have a termination for convenience clause, upon a notice period.

Mayor Levine suggested a notice and cure period prior to termination.

In response to a question from Commissioner Arriola, Ms. Brooks confirmed that alcohol would not be allowed in the water taxi. Mr. Planas added that using the word "taxi" would make it be subject to an open-container law even though it is a vessel.

Vice-Mayor Steinberg, in response to a question from the Mayor, agreed to a notice and cure provision prior to termination.

Commissioner Arriola clarified that this is supposed to help with traffic and be a commuter product, so we need to ensure that the water taxi operates during the hours that commuters would be riding it, i.e. 6:00 a.m., 7:00 a.m., and 8:00 a.m. Those times that people are normally going to work.

Mayor Levine asked what about if some of our residents want to go to a Miami Heat game, what will they do, as based on the limited hours they will not be able to return.

Mr. Planas commented that for the Miami Heat games, there is a dock next to the stadium. Mr. Planas added that the whole purpose of the pilot program is to develop it organically, and building the rider base, which will be beneficial to both sides.

Assistant City Manager Brooks inquired whether the updates/reports requested by Vice-Mayor Steinberg could be provided via LTC. Vice-Mayor Steinberg replied in the affirmative. Commissioner Alemán requested that the update/report include schedule, marketing efforts and so forth, so the Commission can understand the whole program.

**FINAL MOTION:**

Commissioner Grieco moved to approve the pilot program. The final agreement negotiated must include a notice and cure provision. Any expansion of operations by the vendor, based on demand, even in the interim, must be preapproved by the City Commission. The City must explore all funding options in order to construct a proper dock that addresses the needs of motorized and non-motorized vessels. In order to stop the commercial operations at the Purdy dock, the City shall retain a full-time employee during the day. Seconded simultaneously by Commissioner Malakoff and Vice-Mayor Steinberg.

**4:45:47 p.m.**

**SUPPLEMENTAL MATERIAL 3: ADDITIONAL INFORMATION & REVISED RESOLUTION FOR R7M1**

R7M Resolutions Adopting The Transportation Master Plan, Bicycle-Pedestrian Master Plan And Street Design Guidelines.

Items R7M1, R7M2 and R7M3 were addressed simultaneously. The City Manager explained that the Transportation Master Plan, Bicycle-Pedestrian Master Plan and Street Design Guidelines were provided to the City Commission via LTC last week.

No further discussion.

1. A Resolution Adopting The City Of Miami Beach Transportation Master Plan Final Report Attached Hereto As Exhibit A.  
(Transportation)

**ACTION: Resolution 2016-29371 adopted.** Motion made by Commissioner Alemán; seconded by Commissioner Rosen Gonzalez. Voice vote: 7-0. **Jose Gonzalez to handle.**

2. A Resolution Adopting The City Of Miami Beach Street Design Guidelines Attached Hereto As Exhibit A.  
(Transportation)

**ACTION: Resolution 2016-29372 adopted.** Motion made by Commissioner Alemán; seconded by Commissioner Rosen Gonzalez. Voice vote: 7-0. **Jose Gonzalez to handle.**

3. A Resolution Adopting The City Of Miami Beach Bicycle Pedestrian Master Plan Attached Hereto As Exhibit A.  
(Transportation)

**ACTION: Resolution 2016-29373 adopted.** Motion made by Commissioner Alemán; seconded by Commissioner Rosen Gonzalez. Voice vote: 7-0. **Jose Gonzalez to handle.**

**4:47:04 p.m.**

R7N A Resolution Accepting The Recommendation Of The City Manager And Authorizing The City Manager To Execute A Work Order With Metro Express Inc., For The Renovation Of Two (2) Surface Lots P59 And P91 Utilizing The Competitively Bid National Joint Powers Alliance (NJPA) Cooperative Contract, In The Not To Exceed Amount Of \$1,515,960, Plus Ten Percent Owner's Contingency In The Amount Of \$151,596, For A Total Amount Of \$1,667,556; A Copy Of The NJPA Contract Is Attached Hereto As Exhibit 1; Which NJPA Contract Shall Partially Utilize Previously Appropriated Funds And Funding From The Proposed 4<sup>th</sup> Amendment To The FY 15/16 Capital Budget Scheduled For The April 13, 2016 City Commission Meeting.  
(Capital Improvement Projects)

**ACTION: Resolution 2016-29374 adopted.** Motion made by Commissioner Malakoff; seconded by Commissioner Rosen Gonzalez. Voice vote: 7-0. **David Martinez to handle.**

David Martinez, CIP Director, introduced the item. Mr. Martinez is seeking authorization for the City Manager To Execute a work order with Metro Express Inc., for the renovation of two (2) surface lots P59 and P91, utilizing the competitively bid national Joint Powers Alliance (NJPA) Cooperative Contract, in the amount of \$1,515,960, plus ten percent owner's contingency in the amount of \$151,596, for a total amount of \$1,667,556.

Mr. Martinez briefly explained the NJPA Process.

## Handouts or Reference Materials:

1. Aerial map of 17<sup>th</sup> Street between Lenox and Meridian Avenues.
2. Aerial map between Alton Road/West Avenue and 15<sup>th</sup> Street and Lincoln Road.

**ADDENDUM MATERIAL 1**

R7O A Resolution Accepting The Recommendation Of The City Manager, To Terminate Negotiations, Pursuant To RFP No. 2016-062-KB, The Design-Build Contract For The West Avenue Bridge Over Collins Canal With Bergeron Land Development Inc. (Bergeron); And, To Issue A New RFP For Said Services.

(Procurement/Public Works)

**ACTION:** Item deferred to the **April 27 2016** Presentation and Award Commission Meeting. Lilia Cardillo to place on the Commission Agenda. **Alex Dennis and Eric Carpenter to handle.**

## Handouts or Reference Materials:

1. Email from Alexander I. Tachmes [ATachmes@shutts.com](mailto:ATachmes@shutts.com) dated April 12, 2016 RE: Continuance of Item R7O from tomorrow's Commission meeting to the Commission meeting of April 27.
2. Email from Alexander I. Tachmes dated April 12, 2016 RE: Continuance of Item R7O.

1:38:03 p.m.

**ADDENDUM MATERIAL 3**

R7P A Resolution Condemning The Invidious And Discriminatory Legislation Recently Adopted By The States Of North Carolina And Mississippi, Prohibiting Official City Travel To North Carolina And Mississippi, And Imposing, As Of The Date Of Adoption Of This Resolution, A Moratorium On The Purchase By The City Of Goods Or Services Sourced In North Carolina Or Mississippi, Until Such Discriminatory Legislation Is Either Repealed Or Declared Unconstitutional By A Court Of Law; Provided, However, That The Aforestated Moratorium Shall Be Prospective And Shall Not Be Construed To Terminate And/Or Otherwise Impair Any Existing And/Or Previously Awarded City Contracts; And Directing The City's Procurement Director To Include This Resolution In All City Invitations To Bid (ITBs), Invitations To Negotiate (ITNs), Requests For Proposals (RFPs), And Requests For Qualifications (RFQs).

(Sponsored By Mayor Philip Levine  
And Co-Sponsored by all the City Commissioners)  
(Legislative Tracking: Office of the City Attorney)

**ACTION: Resolution 2016-29375 adopted.** Motion made by Commissioner Malakoff to approve the item; seconded by multiple Commissioners. Voice vote: 7-0. **Office of the City Attorney and Alex Denis to handle.**

Mayor Levine welcomed State Representative David Richardson.

Raul J. Aguila, City Attorney, introduced the item. The City of Miami Beach has had a long-standing policy and does have in effect a City of Miami Beach Human Rights Ordinances that prohibits discrimination in employment, public accommodations, housing and public services based on race color, national origin, religion, sex, intersexuality, gender identity, sexual orientation, marital and familial status, age and disability. Recently, as most of you may have read in the newspaper, the State of North Carolina enacted what is known as House Bill 2, which, among other things, bars transgender individuals from restrooms and locker rooms that do not match the gender on their birth certificates, preempts municipality in the State from enacting local antidiscrimination policies, preempts local governments in the State from raising minimum wage levels above the State level, and preempts local governments from imposing antidiscrimination policies or additional labor requirements. Now, this legislation is being challenged in the Courts as unconstitutional and what is ironic is that the Attorney General for North Carolina himself has refused to defend the Constitutionality of this legislation, finding the governor of North Carolina signed statewide legislation that puts discrimination into the law. Additionally on April 5, 2016, the Mississippi Governor signed legislation entitled "Protecting Freedom Of Conscience From Government Discrimination Act," what this essentially does is allow religious organizations and private businesses with religious objections to discriminate against LGBT individuals in employment, housing, civil adoption services, foster care, psychological counseling and fertility services, wedding-related services, student dress codes, access to restrooms, and issuance of marriage licenses or performance of marriages by state employees. It has been denounced as some of the worst anti-LGBT legislation ever. In the wake of this legislation, ten mayors, including the mayors of New York City, Washington, D.C., Seattle, Philadelphia, San Francisco, Portland, Honolulu, Santa Fe, Tampa, and Oakland have formed "Mayors Against Discrimination" to oppose discriminatory laws. What they have essentially proposed, and what this Resolution today proposes in joining/supporting this coalition is that official travel to North Carolina and Mississippi be prohibited. Additionally, this Resolution request the City to cease procuring goods and services that originate in North Carolina or Mississippi, until these discriminatory practices are repealed or overturned by the Courts. This Resolution is a statement of policy by Miami Beach that until the North Carolina and Mississippi legislation are repealed or overturned by the Courts, Miami Beach will not support official travel to North Carolina or Mississippi nor will Miami Beach

endorse the procurement of goods or services originating in North Carolina or Mississippi. This Resolution in no way is intended to impair or affect Miami Beach's legal rights with regard to any contracts that it has already entered into or approved that may be for goods or services in North Carolina or Mississippi. However, if this Resolution is approved, going forward, the Procurement Director is being given direction to include this prohibition in all our future request proposals, request for qualification, and other competitive solicitations, advising bidders that these anti-discriminatory practices in these states will not be tolerated. **Alex Denis to handle.**

**1:43:34 p.m.**

State Representative David Richardson addressed the City Commission. Representative Richardson thanked the City Commission for addressing this item while he was present so he can talk about it. He wants to spend a very brief couple of minutes to give a history about what has been happening in the State of Florida and why he thinks this Resolution is important because of the message it sends. Last year, you may remember in 2015, Indiana passed a similar bill to that passed by North Carolina. The Indiana Governor signed the bill, but there was such an outcry that they had to repeal it. That was going on at the same time the State of Florida had a bit of drama going on in Tallahassee. You may remember that last year, in the 2015 Session, that there was a very solid good adoption bill and Representative Richardson tacked an amendment on it to repeal the 38-year law that had been on the books to ban gays from adopting in the State of Florida. Although that law was overturned five years earlier by an Appellate Court, it had never had been heard at the Supreme Court level. Through his relationships and goodwill, Representative Richardson was able to convince the Speaker's Office that we needed to move this item and so he did receive support and we did move that, and it passed in the House and it passed in the Senate and ultimately was signed by the Governor under a great deal of controversy. The reason he is bringing this up is that in retaliation for Representative Richardson moving that Amendment, three weeks later they filed a religious conscience bill that was similar to what we are seeing in North Carolina. That was clearly a political statement that was being made, and it was outrageous because what you may not know is in the State of Florida the adoption function is completely outsourced to private child-placing agencies with our tax dollars. So that would have been State money that would have been used to discriminate. That bill passed in the House, but they were able to kill it in the Senate. State Representative Richardson was very worried they would bring that bill back this year and he lobbied heavily in the back room so we would never see that bill again. It was not brought as an official bill from a Committee. However, there were a couple members that were very upset that it was not brought, so the bill was filed again this year, but, rather than a committee bill, it was done as an individual bill. That bill never saw the light of day, thank goodness. However, he fears that we are going to continue to see these types of bills that North Carolina and Mississippi have passed in retaliation to the marriage equality ruling from the Supreme Court. This type of Resolution that the City Commission is considering sends a strong message along with the coalition that has been formed by some of the larger city mayors. They are sending a huge message. It is important that we send this message. Representative Richardson has made it very clear to the Governor in direct conversations with him that we do not need to be Indiana, we do not need to be North Carolina and we do not need to be Mississippi. We are the third-largest state in the union, and we need to be more progressive on these issues. Representative Richardson thanked the Mayor for bringing this Resolution for consideration.

Commissioner Malakoff moved to approve the item, as it is very important. Numerous commissioners seconded the motion. Commissioner Arriola stated that they all want to second it.

Mayor Levine suggested for all the Commissioners to co-sponsor unanimously the item. All the Commissioners agreed.

Voice vote: 7-0.

Representative Richardson thanked the Commission for approving this Resolution, he appreciates it. Representative Richardson does not want to spend a great deal of time talking about the details of the Legislative session, as he is having town hall meeting April 15, 2016 at the Miami Beach Golf Course, starting at 5:30 p.m. and will get into detail there. However, he would like to put a couple other items on the City Commission plate. Representative Richardson has been thinking about bringing this to the Miami Beach City Commission for a couple of months, but he had to get through the Legislative Session first. What this Commission may not know is that for the last two years he has filed a bill to make conversion therapy in the State of Florida illegal. If you do not know what that is, it is where a parent or guardian can take a child to a therapist and try to "remove the gay from them." It is proven to be ineffective, but also extremely harmful to children. Representative Richardson has a bill that was first passed in California, and has been passed in New Jersey. Washington, D.C. has moved it. Sadly, he cannot get the bill heard in the State of Florida. A few months back, Cincinnati became the first city to pass a local Ordinance on this issue. Representative Richardson has been visited by the Southern Poverty Law Center. Representative Richardson has also been working very closely with the SAVE organization on this issue. When the Southern Poverty Law Center came to Representative Richardson to talk about the issue, they claim they have identified therapists in the State of Florida that are still doing this type of work. Representative Richardson asked for a list of who's doing it, and he is sad and shocked to report that one of the six therapists is operating right here in Miami Beach. Representative Richardson is not going to name the person because he does not have direct evidence, but the Southern Poverty Law Center has identified the person and said they have information that he is performing this type of therapy. What Representative Richardson would like this Commission to do is to consider whether or not the City Commission would like to look at this item and whether or not the City Commission would like to do something similar to what Cincinnati has done, and in doing so if the City Commission decides to do something locally, Miami Beach would be the first City in the State of Florida to move this type of item so he would be happy to share with the City Commission the information that he has on the subject for the Commission's consideration

**1:50:54 p.m.**

Commissioner Arriola directed the Office of the City Attorney to draft legislation similar to that adopted by the City of Cincinnati for consideration at the May 11, 2016 Commission Meeting, Commissioner Alemán agreed. **Office of the City Attorney to handle.**

Representative Richardson listed his accomplishment at the last Legislative session. Prior to commencing, Representative Richardson added that he requested the Department of Revenue to provide him, by zip code, contributions to the State General Fund, and Zip Code 33139 is #3 in the State for contribution of sales tax revenue to the general revenue; #1 and #2 are the Disney World, SeaWorld, Universal Studios, International Drive areas. Some of the successes included:

- \$250,000 for a couple of Water projects;
- The Miami Gay and Lesbian Film Festival received \$25,000;
- \$200,000 for the restoration of the obelisk at Monument Island.

Discussion held regarding the actions that Miami Beach has taken to enforce the prohibition of short-term rentals.

Representative Richardson stated that the City was grandfathered in on the Styrofoam issue. Representative Richardson applauded the City for being so progressive, and these progressive moves are shaking up Tallahassee.

In response to an inquiry from Commissioner Malakoff, Representative Richardson stated that he has a bill on plastic bags.

Mayor Levine thanked Representative Richardson on behalf of the City Commission for his great work, and they know it is not easy up in Tallahassee, but they appreciate all the great work he does for Miami Beach.

Commissioner Arriola commended Representative Richardson for the brave and important work he is doing with the State's prison system.

**2:01:39 p.m.**

**ADDENDUM MATERIAL 3**

R7Q A Resolution Welcoming And Urging PayPal To Relocate Its Proposed Global Operations Center To Miami Beach, In Light Of North Carolina's Enactment Of Legislation Permitting Discrimination Against The LGBT Community, And Welcoming And Urging Other Businesses To Relocate Operations To Miami Beach, Which Is An Inclusive And Diverse City That Boasts Comprehensive Human Rights Protections.

(Sponsored by Commissioner Ricky Arriola)  
(Legislative Tracking: Office of the City Attorney)

**ACTION: Resolution 2016-29376 adopted.** Motion made by Commissioner Arriola; seconded by Commissioner Alemán. Voice vote: 7-0. **Jeff Oris to handle. Erick Chiroles to draft letter for Commissioner Arriola.**

Commissioner Arriola introduced the item. PayPal might have been one of the first companies to publically back out of a proposed expansion in North Carolina due to their recent legislation. Seeing a good opportunity for Miami Beach, he would love to extend PayPal an invitation on our behalf to locate their 400 jobs in Miami Beach, because of our progressive nature on LGBT issues and send the message that Miami Beach welcomes any company who is willing to take this kind of stand. They are a great high-tech company. We need good jobs in Miami Beach, and he would love to send a letter signed by the Mayor, Commission and City Manager, saying we are open for business and we would love your kind of company to come to Miami Beach. Commissioner Arriola agreed to draft the letter.

Commissioner Malakoff added that we have a great human rights Ordinance.

Commissioner Arriola suggested redeveloping the Byron Carlisle for office space. Commissioner Arriola stated that he was thinking that too.

Handout or Reference Material:

1. Item R7K on Page 843, 4th paragraph, the reference to "Aramark" is being deleted and replaced with "Centerplate."

**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:

**AUDIT COMMITTEE**

Sandy Horwitz, CPA TE: 12.31.16 FS§ 218.391 Appointed by Commissioner Arriola

**COMMITTEE FOR QUALITY EDUCATION IN MIAMI BEACH**

Joshua Levy TE: 12.31.16 TL: 12.31.23 Appointed by Commissioner Arriola

**MAYOR'S OCEAN DRIVE TASK FORCE**

Alessandro Tonarelli	TL: 3.29.17	Appointed by Mayor Phillip Levine
Frank Amadeo	TL: 3.29.17	Appointed by Mayor Phillip Levine
Jeffrey Feldman	TL: 3.29.17	Appointed by Mayor Phillip Levine
Jonathan Bennett	TL: 3.29.17	Appointed by Mayor Phillip Levine
Jonathan Plutzik	TL: 3.29.17	Appointed by Mayor Phillip Levine
Joyce Garret	TL: 3.29.17	Appointed by Mayor Phillip Levine
Mitch Novick	TL: 3.29.17	Appointed by Mayor Phillip Levine
Reagan Pace	TL: 3.29.17	Appointed by Mayor Phillip Levine
Ricardo Dopico (ALT)	TL: 3.29.17	Appointed by Mayor Phillip Levine
Steve Boucher	TL: 3.29.17	Appointed by Mayor Phillip Levine

**PRODUCTION INDUSTRY COUNCIL**

Abdul Muhammad II TE 12.31.17 TL 12.31.23 Appointed by Commissioner Ricky Arriola

**TRANSPORTATION, PARKING, BICYCLE-PEDESTRIAN FACILITIES COMMITTEE**

Deborah Ruggiero TE 12.31.17 North Beach Development Corporation Representative

**Liaison Appointments**

Max Sklar Miami Beach Cultural Arts Council

TE: Term Ending  
TL: Term Limit

Handouts or Reference Materials:

1. Email from Rafael Granado dated April 8, 2016 RE: MDPL Executive Committee Nominations.

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

**ACTION:** No appointments were made.

**1:21:50 p.m.**

R9A2 Three (3) Available City Appointments To The Miami Design Preservation League, Inc. (MDPL) Executive Committee.

(Office of the City Manager)

**ACTION: Item deferred to May 11, 2016.** Motion was made by Commissioner Alemán to defer the item to the May 11, 2016 Commission Meeting; seconded by Commissioner Grieco. Item approved unanimously by acclamation.

Commissioner Alemán made a motion to defer the item, as she did not learn of it with any time to adequately vet any possible nominees and talk to the three nominees Commissioner Rosen Gonzalez had. Seconded by Commissioner Grieco.

Commissioner Rosen Gonzalez stated that her three nominees are part of the Save Miami Beach/Mid-Beach Group. The City did not know it had these appointments until recently. The MDPL is very concerned about keeping likeminded people, such as preservations in its organization. These three nominees that have been vetted by the organization, and she hopes that her colleagues consider them and meet with them.

Commissioner Arriola stated the he would definitely consider them.

**Clerk's Note:** Commissioner Rosen Gonzalez's nominees to the MDPL Executive Committee are: Tanya K. Bhatt, Sarah Leddick and Raelene Mercer.

Handouts or Reference Materials:

1. City Commission At Large Release # 1.

**8:31:35 a.m.**

R9B1 Dr. Stanley Sutnick Citizen's Forum.

Mayor Levine explained that the individuals present want to speak on the Cuban consulate, and he asked to hear from those people that did not get a chance to speak at Monday's Hispanic Affairs Committee meeting. He asked for those that spoke at Monday's meeting, to allow other people to speak. The rest of the speakers that wish to speak on other issues during the Sutnick Hour have up to two minutes each. He asked for those individuals that are in favor or against the Resolution to form two groups. He reiterated that at 9:00 a.m., they must begin City business. The second Sutnick Hour Forum will be heard at 1:00 p.m.

1. Mitch Novak, resident and owner of Sherbrooke Hotel, spoke briefly on a whopping construction parking rate increase that went into effect this week. It is a 400% rate increase. He began his project in August and three weeks into a budgeted project, he was notified of the increase by the City. Previous City Commissions grandfathered him for six months but he needs more time. This was not anticipated and requested the City Commission revisit the matter.
2. John Suarez, Miami resident, spoke against having a Cuban Consulate. He is concerned because the diplomatic service of the Castro regime engages in espionage and activities that harm the interest of those communities that they operate in. He gave a brief synopsis of the espionage activities against Cuban-Americans in the United States through the years. He added that the current cruise situation in not allowing Cuban Americans to travel to Cuba is discriminatory. In 2013, Cuba attempted to smuggled many weapons to North Korea, which

were intercepted in Panama, and affected the safety of the transit through the Panama Canal. Also in 2015, the Cuban government were smuggling weapons through Colombia. It is an outlaw regime.

3. Ralph Patino, Coral Gables resident, works with the Obama Administration in order to assist the greater engagement in Cuba. He stated that the world has changed since Castro took over; a great deal has changed in Cuba, and they believe the best way to rid the island of its current regime is through greater engagement. This City is leading the way. If Miami Beach does not open up a consulate here, Tampa will. They are trying to reconcile with the Cuban people who need help. He understands the great sentiment in Miami regarding what has happened in the past, but he believes it is time to go forward; 70% of the United States population is in favor of having greater engagement with Cuba.
4. Sandro Varona, resident of Miami and representing La Junta Patriótica Cubana and Brigade 2506, explained that the opening of the Cuban consulate is not necessary nor in the best interest of the City, County or State. The message the City will be sending to thousands of oppressed Cubans is that the City stands with the oppressors, and a message that the City does not care, since it would be helping a regime that has assassinated children, women and men, incarcerated and killed thousands by the Castro brothers. It is disrespectful and a slap in the face to the Cuban people and so many other Cuban organizations.
5. Elena Velozo stated that for 56 years nothing was done and now they are doing it; they need an embassy so they can go and protest, and not just be quiet. They can use this embassy as an advantage, to not only protest, but to help families.
6. Nellis Rojas Morales, ex-prisoner from Cuba, lives in Miami Beach, and as a Cuban-American, she opposes the Cuban consulate in the City. She stated that the City Commission was elected to protect the citizens and asked that they do not bring the embassy to the City.
7. Joe Arriola expressed that this is an absolute joke; the consulate is not coming to Miami Beach; it is decided between the US Federal Government and Cuba. No one denies that the Cuban dictatorship is bad, and many present have had people that died; the issue is that there is a tremendous amount of progress going on in Cuba today. The government is no longer in control, and it is going to change. They have to make sure that they accelerate the process. The wrong messages should not be sent to the Cuban people. He added that Commissioner Grieco brought this on for political reasons.
8. Sylvia Arrondo, County resident, added that there is no change in Cuba for the oppressed; things have not changed for the "Ladies in White" or for the men and women who raise their voices; this is not Miami versus Miami Beach; they are all in this community and freedom and democracy and being able to express themselves, this is not happening in Cuba. To normalize the relations with the Castro regime that brought on so much repression is wrong. Nothing has changed in Cuba.
9. Robert Gonzalez believes that there are few residents who spoke on Monday, and the people that spoke on Monday were of one specific generation. He reminded the City Commission, and specifically Commissioners Grieco and Alemán, that there is a diverse section of Cuban-Americans. He respects others, but he has a different opinion than his grandparents. His great grandfather travelled to and from Cuba, he plans to do the same. This is a section of history that existed, and we need to move on and be open-minded. He is for the consulate and for those residents that want to travel to Cuba from Miami Beach.

10. Antonio Esquivel talked about his concern about Miami Beach. He read a document into the record and stated his opposition.
11. Peter A. Gonzalez, 45-year resident of Miami-Dade County, is in favor of a process that protects the integrity for people to debate and discuss the possibility of a consulate on U.S. soil; the fear today is that this closes the opportunity to have an open debate. He commended Mayor Levine and Commissioner Arriola for going against the grain and taking the leadership. He is against having proposals that take off the table any kind of debate.
12. Julia Danila is a 47-year resident, spent 10 years in jail in Cuba as a political prisoner. She is in opposition of the consulate. She states the Cuban regime is an enemy. She believes the young people need to know the true history. She urged not to bring the consulate to the City.

**1:03:28 p.m.**

R9B2 Dr. Stanley Sutnick Citizen's Forum.

**ACTION:** The following individuals spoke:

1. Jose Saldiz spoke regarding the Cuban consulate question. He compared human rights in Cuba versus the LGBT rights in Miami Beach and brought up possible double standards. He stated that he is in support of the Hispanic Affairs Committee's recommendations, and thanked the City Commission for the actions taken today.
2. Steve "Bubba" Cohen spoke on the Convention Center ballot question, which he is opposing. He read a letter into the record regarding the Special Election results, which failed. There are talks about a smaller Hotel project and asked what Convention would want to come to Miami Beach in order to get this failed proposition passed. The voters knew the facts, and they did not pass it. To put it back on the ballot is an insult to the people that voted on this the first time. He encouraged the City Commission to listen to the people.
3. Ray Breslin asked about the bonds for the Hotel and believed they would have a complete package. He asked if the Convention Center Hotel was truly necessary. He stated he used to be a travel agent and his company would not even consider a site that did not have a convention center hotel.

Raul J. Aguila, City Attorney, stated that the bonds do not require the City to build a Convention Center Hotel.

**1:15:32 p.m.**

Vice-Mayor Steinberg asked if there were any other speakers. No other speakers came forward. Items on the regular agenda were discussed immediately following conclusion of the forum.

**11:34:24 a.m.**

R9C Convention Center Headquarter Hotel Options.  
(Office of the City Manager)

**ACTION:** Presentation made. See related items R9U and R9X. Direction was given to create a Mayor's Blue Ribbon Panel, Chaired by Commissioner Arriola, Vice Chaired by Commissioner Rosen Gonzalez, including community members, professionals and possibly a representative from Miami Beach United. FIU will conduct a community survey and work with the Panel. Approved by acclamation. **Maria Hernandez to handle. Jeff Oris will be liaison to the Mayor's Blue Ribbon Panel.**

Maria Hernandez, Capital Projects Director, MBCC, is joined by Jeff Sachs, Strategic Advisory Group and First Assistant City Attorney Rafael Paz. At the March 16, 2016 Commission Meeting, the City Commission directed the City Manager to summarize the options available, should the City Commission decide to further pursue the Hotel, including options available to place a new Referendum question on the November 8, 2016 ballot.

Jimmy L. Morales, City Manager, stated that direction was given that if the City is moving forward with the Hotel again; it is incumbent to reach out to the community, identify the issues that were problematic, and try to achieve a higher percentage of consensuses. He recommended providing two community meetings sponsored by the City and perhaps other sponsors; reaching out to FIU to conduct scientific approach; they are prepared to assist the City in conducting a survey to reach out to residents in general, but particularly to ascertain what needs to change. His second recommendation is that the City Clerk has identified that the Elections Department deadline for the November Referendum day is August 9, 2016. Looking at the various options, are start over again at that site or another site or not have a Referendum. He suggested doing a public process, and with that data go back to the Portman team and amend their agreement and the project, to address the issues and try to achieve consensus. Portman is willing to do that. The trigger question is if the City Commission wants to place the ballot question on the Referendum.

Mayor Levine stated that it is a great idea to put together a Mayor's Blue Ribbon Panel, Chaired by Commissioner Arriola and Vice Chaired by Commissioner Rosen Gonzalez, and add a group of residents on the Blue Ribbon Panel to let them discuss; he does not think they should rush to place it on the Referendum on the November 8, 2016 ballot, since they want to get consensus as much as possible. It can wait for a ballot next year.

Commissioner Arriola stated that he will gladly Chair the panel and they will work hard and keep all the options open. He recognized Nancy Liebman for the idea of putting together a Blue Ribbon Panel, which has worked very successfully in the past.

Discussion held.

Commissioner Rosen Gonzalez welcomed the opportunity to serve as the Vice Chair and asked for resident input. She agrees in not rushing the issue to the November ballot. She reminded everyone that when the Commission issued the \$630 million in bonds that would never have been approved if the MBCC was a standalone business option; they needed a new Convention Center and she understands the logic behind the Hotel. She is glad that there will be community outreach and she wants to get this done right.

Commissioner Alemán has faith in her colleagues that they will carry a successful Blue Ribbon Panel. However, while they did not make the supermajority, they did make the majority in that the

Hotel is the right thing for the community. There are some things they could change, such as the height and location of the Hotel. She is in favor of conducting a community survey to determine empirically which one of the three things would make a positive change in the voters.

Vice-Mayor Steinberg stated that the survey should be done sooner than later, to start the process and obtain the necessary input.

Commissioner Rosen Gonzalez suggested the survey must be objective and that it be expanded as much possible as far as the questions.

City Manager Morales suggested having the FIU staff work with the Blue Ribbon Panel and the community regarding the questions, and why the people voted against the original plan.

Mayor Levine recommended potentially looking at Portman and realize that they may be challenged finding a non-subsidized options. He would try to keep that "fish on the hook" as best as possible as they are moving forward, so five months from now they do not have a real subsidized bidder and they lose the bidder coming in. He said this on the record, as point of clarification.

Commissioner Malakoff added that something needs to be done to educate the public as far as what the MBCC Hotel is meant to accomplish, and the importance of conventions coming to Miami Beach. Education is essential so that the voters understand that this is the way conventions work. That type of information needs to go out to the public, through the City, Miami Beach United (MBU) or the Blue Ribbon Panel. The design was not accepted by the public, the design is important, height is important, and perhaps the height can be lowered.

Mayor Levine suggested not litigating this now, since there is consensus to move forward and they can vote on a plan of action at a later point.

Nancy Liebman stated that it is important to say that MBU decided to take this issue on, and it is her strong feeling that residents were never involved this last time; during the time before there was enormous participation, but it was not about the Convention Center Hotel, but about the location. It is important to have residents involved. MBU is putting together a forum of eight resident/panelists to talk about those issues on April 18, 2016.

Mayor Levine added that this Blue Ribbon Panel would also have residents and professionals, and possibly one member from MBU.

Ms. Liebman added that they spoke to Neisen Kasdin about the Fillmore, and asked if the Gleason can be considered as part of the site as well. She also spoke to Portman and they are happy to do this if the community is part of this.

Discussion held.

Mark Samuelian, representing MBU, thanked the City Commission, and in specific Commissioner Arriola, for their efforts. He urged residents and the public to attend the MBU forum on April 18, 2016.

Larry Collins disagreed with postponing this. The deal has zero cost and they will not get anyone to rebid this. If something is not changed, they might as well stop with the MBCC Hotel.

Barbara McDaniels suggested redoing the process. She would like to redo the lease on anything they do and open it up for everyone to rebid; they are subsidizing the lease. She is not thrilled with Mr. Portman and does not think he should be considered.

**2:55:40 p.m.**

R9D Presentation By Fire Chief Virgil Fernandez Regarding A Smart Phone Pre-Arrival CPR/AED App (Pulsepoint).

(Fire)

(Sponsored by Commissioner Michael Grieco)

**ACTION:** Presentation made. **Fire Chief Fernandez to handle.**

Fire Chief Virgil Fernandez stated that the Fire Department is getting ready to launch a new innovative life-saving initiative called the Pulsepoint App. He recognized Commissioner Grieco for introducing the Smart Phone CPR/AED App to the Department.

Sal Forsceno, EMS Coordinator, introduced a new CPR initiative to improve cardiac arrest survival rates and produce better patient outcome. Miami Beach is the first City in Miami-Dade County to bring this life-saving technology to the community; this innovative, free, downloadable App, called Pulsepoint, will save many lives.

PowerPoint presentation made.

Commissioner Grieco explained how he came about the App, and with the permission of the previous City Commission, they empowered the Fire Department to seek these folks and make it part of tools used. He is proud of the Fire Department for doing such a great job.

PSA shown hosted by Fire Chief Virgilio Fernandez.

**11:21:44 a.m.**

R9E Presentation Of A \$10,000 Contribution From The Miami Beach Chamber Of Commerce To The City For IB Teacher Training.

(Sponsored by Vice-Mayor Micky Steinberg)

**ACTION:** Check presented. **Dr. Leslie Rosenfeld to handle.**

Michael Goldberg, Chairman, Miami Beach Chamber of Commerce, introduced the item.

Mirielle Enlow, Pillar Trustee Vice-Chair, Miami Chamber of Commerce is happy to present a \$10,000 check to be used for the purpose of training teachers in the IB program. The Chamber Education Foundation believes strongly in the City's public schools and works throughout the year to support the schools and the entire feeder pattern program. She added that the Health Care Initiative was begun by the Chamber three years ago with a \$30,000 grant. This provides a nurse at North Beach Elementary School. This expanded to other schools that also needed nurses. The Chamber put together the support necessary for additional grants, along with the City Commission of Miami Beach, North Bay Village, Bay Harbor, Surfside and Bal Harbor; as a result of this combined effort, all three schools now have been able to maintain a nurse for the last three years, and funding has been provided for the next two years. The Link Program, is a link between

education and businesses in Miami Beach, and consists in raising funds for teachers for all grade schools for special projects. This year they will be giving \$20,000 in grants to teacher. They will be going to Jungle Island to recognize the teachers at the Annual Teacher of the Year event sponsored by FPL. In a month, they will begin interviewing seniors graduating from Miami Beach High and will provide some of them with \$1,000 scholarships. They are proud to present a \$10,000 check for the IB program. She thanked the City Commission for their support.

**4:48:31 p.m.**

R9F Discussion Regarding The Waiver Of Water And Sewer Fees For The Miami Beach Development Corporation (MBCDC) For One Year.

(Sponsored by Commissioner Kristen Rosen Gonzalez)

**ACTION:** Discussion held. **Maria Ruiz to handle.**

**RECOMMENDATIONS:**

- Administration to meet with MBCDC, to see what their deficit is and finds ways to assist the organization.
- Administration to bring back a report to the next City Commission May 11, 2016.

Commissioner Rosen Gonzalez stated that she was told that the City has restrictive covenant on bond offering, so the City cannot reduce or waive the fees; however, she left this item on, because MBCDC has buildings that the City spends money on and they are deteriorating and falling apart. The organization is lacking the money needed to operate, and they need to work with them, to prevent the building from further deteriorating. She asked how they could help MBCDC.

City Manager Morales stated that they have worked with MBCDC for many years; they met with their board recently in trying to find funding; they tried to raise rent on some of their properties but that is a challenge on the tenants. They can sit with them to see what opportunities are available. One of the challenges and risks is that US HUD may actually debar the agency and cut them off from any monies. They will be glad to sit down and to find ways to work with them, but the City does not have any funding sources dedicated to do this.

Maria Ruiz, Housing & Community Services Director, stated that they are working on The Jefferson Apartments with MBCDC to get them going, and the way the deal was structured was to arrange payments to be done on an expedited basis, because they do not have the operating capital to do the project and receive reimbursement. That also speaks to the capacity of the organization to continue to operate the way it is expected to under HUD guidelines. They approached the organization to discuss ways to address other properties and MBCDC has yet to come back with their thoughts on the City's proposal. The City must comply with all the HUD rules, and there are significant issues associated with the agency, including the fact that their financials have yet to be submitted to the City.

Commissioner Rosen Gonzalez proposed looking at MBCDC's operating deficit, and find out how they can help them, so the City's investment in these buildings is recovered, without losing HUD funding.

Mayor Levine proposed taking a small piece of the MBCC Hotel lease payments and use the revenue towards affordable housing and these types of organizations.

Commissioner Grieco stated that if the MBCDC opens their books, the City would assist.

Discussion held.

City Manager Morales met with MBCDC two weeks ago, and he will be happy to sit with them, get a sense of what their deficit is and identify their needs. He can bring back a report at the next meeting (May 11, 2016).

**4:54:30 p.m.**

R9G Discuss Having ADA Accessible Playground Components In All City Parks.  
(Sponsored by Vice-Mayor Micky Steinberg)  
(Legislative Tracking: Parks & Recreation)

**ACTION:** Discussion held. Motion made by Vice-Mayor Steinberg; seconded by Commissioner Malakoff; Voice vote: 7-0. **John Rebar to handle.**

**REFERRAL**

Neighborhood/Community Relations Committee

Vice-Mayor Steinberg referred the item to NCAC to discuss further the plans in the future, so all parks have some sort of ADA component, so that everyone can use the parks.

Commissioner Malakoff stated that she believes every park has accessible equipment.

John Rebar, Parks and Recreation Department Director, added that all City's playgrounds are ADA compliant; however, it is minimal. They will want to do more.

City Manager Morales added that they are building four accessible playgrounds at Allison Park.

**4:55:57 p.m.**

R9H Middle Beach Intermodal Facility (Intercept Garage) Feasibility Study And Alternate Sites For Debris Storage Update.  
(Transportation)

**ACTION:** Discussion held. Motion made by Commissioner Alemán; seconded by Commissioner Arriola to use the Miami Beach and Normandy Isles golf courses to be identified as FDOT debris sites during a natural disaster; Voice vote: 7-0. **Jose Gonzalez to handle.**

**RECOMMENDATION:**

Identify the Miami Beach and Normandy Isles golf courses as debris sites during hurricane/disaster scenarios

Jose Gonzalez, Transportation Director, introduced the item, which is an update on efforts to find a suitable location for an intermodal facility in Mid Beach. The recommended site is located at the east end of the Julia Tuttle Causeway; about five to six acres site, it is under FDOT jurisdiction and it is designated as a disaster related debris storage and processing site. They began discussions with FDOT to potentially use this facility for an intermodal facility. FDOT has notified them that this is a suitable site, as long as they can identify alternate debris storage and

processing site. The parking lots were discarded, such as the 4600 block next to the Eden Roc; the west lots as well up in North Beach, with a potential there on a temporary basis; however, FDOT discarded those, because either the sites are not large enough or they are too close to single family or multi-family uses. During further discussions, another parking lot was proffered in Haulover Park parking lot, which is under the jurisdiction of Miami-Dade County. They have not approached them yet, and this is what is in front of this City Commission for direction.

City Manager Morales stated that FDOT indicated that the minimum size has to be five acres. They can approach the County about Haulover, and the other two sites in the City are Normandy Shore Golf Course or the former Par 3.

Mayor Levine stated that during natural disasters debris must be gathered somewhere, and he suggested the Par 3.

Commissioner Rosen Gonzalez stated that when they do this they do an environmental analysis to ensure that they are protecting the Par 3 and that residents do not get upset.

Discussion held.

Commissioner Malakoff suggested checking with the County to see if the City is allowed to use Haulover.

Discussion continued.

Mayor Levine suggested placing it in the golf course in case of an emergency.

City Manager Morales stated that if the County allows the City to use Haulover, that would be the first choice, and then they need to have other alternatives.

Mayor Levine stated that there is a cost in moving materials to Haulover and prefers keeping it in the golf course.

Discussion continued regarding debris removal and costs associated.

Charles Tear, Emergency Management Director, explained the process. He stated that normally after a major hurricane, after the debris is there, the companies come in and haul it out, then they come in and recondition and put it back, usually in better condition that it was, all done with federal money.

Mr. Gonzalez added that it could be a long duration of time, as long as it is required, that the site is being used for purposes of debris storage.

Discussion continued regarding Haulover.

City Manager Morales clarified that the direction is to work with Miami-Dade County on Haulover, and if not, identify potential sites in the City in case of emergency.

Mr. Tear stated that golf courses are preferred.

Motion made by Commissioner Alemán; seconded by Commissioner Arriola to use the Miami Beach golf course as an FDOT debris site during a natural disaster; Voice vote: 5-2. Opposed: Commissioners Malakoff and Rosen Gonzalez.

Commissioner Rosen Gonzalez stated that she does not want neighbors to be disgruntled by having the City use golf courses as junkyards. She highlighted the problem of when things start to rot and the smell generated by it.

Discussion continued regarding debris.

Motion made by Commissioner Alemán; seconded by Commissioner Arriola to use the Miami Beach and Normandy Isles golf courses to be identified as FDOT debris sites during a natural disaster; Voice vote: 7-0.

**5:06:33 p.m.**

R9I Discussion Regarding Adding Questions To The Community Survey Addressing Resident Satisfaction With The Police Department And The City Commission.  
(Sponsored by Commissioner Ricky Arriola)

**ACTION:** Discussion held. **Ramon Suarez and Dr. Leslie Rosenfeld to handle.**

**DIRECTION:**

Draft sample questions to include City Commission as a group and Police.

Commissioner Arriola stated that in various City surveys provided he has noted that neither the Police Department nor the City Commission, as a group, are included, and he thinks it is important that they take the pulse of the community, as they do in the private sector.

Vice-Mayor Steinberg thinks it is a good idea to include Police and the elected officials.

Discussion held.

Commissioner Grieco explained that everything on the survey relates back to the City Commission, and he is not sure how they would assess the City Commission as a group.

Commissioner Arriola stated that his input was, but his feeling is that they were afraid to ask; however, he is not afraid to ask how the City Commission is doing.

**5:09:21 p.m.**

R9J 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:** Discussion held. **Eric Carpenter to handle.**

Commissioner Malakoff stated that there is flooding occurring near Mt. Sinai, especially during king tides, and since emergency vehicles must go through, she asked that they expedite the placement of pump stations in the area.

Eric Carpenter, Assistant City Manager and Public Works Director, explained that they already put out the first phase of two procurement processes for having someone construct the pump stations at the south end of Middle North Bay Road, which would service the hospital. They are working with FDOT to see if the City can do the pump station collaboratively on their property, which would also be able to accommodate their drainage pump station designed to be included in the 43<sup>rd</sup> to Allison-Alton reconstruction. There are opportunities for the City to look at trying to save money by putting the pump station on their property and doing an advance funding agreement.

- R9K 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:** Item deferred to the **April 27, 2016** Presentation and Awards Commission Meeting. Lilia Cardillo to place of the Commission Agenda if received. **Office of the City Attorney and Jeff Oris to handle.**

**5:11:12 p.m.**

- R9L Discussion On Status And Direction Regarding Resolution 2016-29277 On Strategic Actions To Address Homelessness In Our Community.

(Sponsored by Commissioner John Elizabeth Alemán)

**ACTION:** Verbal update given. **Maria Ruiz to handle.**

Commissioner Alemán introduced the item. She stated that at the January Commission Meeting the City Commission unanimously passed the Committee on the Homeless recommendation. She is asking for an update on this item and to obtain Commission input and direction on the new educational materials and signage that City staff has been working on.

Maria Ruiz, Housing and Community Services Director, informed that there were five items recommended by the Homeless Committee; and she provided a status on each. The first item is encouraging Miami-Dade County Homeless Trust to compel all municipalities to come up with their own plans to deal with homeless people in their own cities. For this reason, they prepared a letter to Victoria Mallette, Miami-Dade County Homeless Trust Executive Director, to see if they would take up the item at their board meeting. Secondly, an amendment to the City Code was made to add a Police liaison to the Homeless Committee, and this has been enacted and adopted by City Commission. The fourth item is to encourage City business community to participate in the trespassing signage program; they have been working with the Office of Communications in the design of a more welcoming sign, with the idea of creating signage that is fitting to neighborhoods, using an iconic image representative of the City. This is part of the package today. Finally, they are still working with the Office of Communications on a campaign to discourage panhandlers in the community and see how they get the message across.

**5:14:00 p.m.**

R9M Discussion To Consider The Closed Captioning For The Hearing Impaired Of The City's Video-Recorded Meetings And Events.

(Sponsored by Commissioner John Elizabeth Alemán)

**ACTION:** Discussion held. Motion made by Commissioner Alemán to refer to Finance; seconded by Commissioner Arriola; Voice vote: 7-0. **Tonya Daniels to handle.**

**REFERRAL:**

Finance and Citywide Projects Committee to discuss close captioning scope

Commissioner Alemán stated that this item came from her appointment to the Disability Access Committee, Mr. Eddie Sierra, who has been participating in the Leadership Academy program. She read a note into the record: *"I am very excited and enthused to be able to familiarize myself with the City government, and in turn provide a more educated impact to the Disability Access Board. On that note, I participated on the first presentation this past Monday, and to my surprise the City videos are not closed captioned."* She stated that the item could probably be referred to Finance and Citywide Projects Committee, but she placed it on the agenda to see if her colleagues agreed to have City's videos to be closed-captioned. Hearing impaired see printed word as a foreign language, therefore, closed captioning speaks to them in their own language and allows them to benefit.

Tonya Daniels, Office of Communications Director, stated that they have been working with the Office of the City Clerk to get pricing and information regarding closed captioning, and in fact, they do close captioning Commission Meetings in both English and Spanish. She received an average of 25 hours meetings per month, aside from City Commission meetings. She announced that the pricing for closed captioning would be approximately \$5,400 per month, or \$65,000 per year, to close caption all meetings in English and Spanish.

Commissioner Alemán suggested referring the item to Finance and Citywide Projects Committee and consider the line item for the next Fiscal Year.

Rafael E. Granado, City Clerk, clarified if those funds are to be requested in addition to the existing captioning. Currently the closed captioning is done for City Commission meetings, and the amount for English is \$32,000 for last Fiscal Year and for Spanish it was \$12,000.

Commissioner Alemán suggested discussing scope at Finance.

Ms. Daniels added that there are around 350 hours of video of original programming that Communications airs on MBTV and they can consider that if directed.

**Handouts or Reference Materials:**

1. Email from Maddy Reisler dated April 8, 2016 RE: FY 14/15 Actuals for Close Captioning.

**3:24:10 p.m.**

R9N Discussion Regarding The March 22, 2016 New York Times Article Entitled "Nuclear Plant Leak Threatens Drinking Water Wells In Florida," Which Reported That Turkey Point's Cooling Canal System Was Leaking Polluted Water Into Biscayne Bay.

(Sponsored by Commissioner Kristen Rosen Gonzalez)

**ACTION:** Discussion held. Direction given by Commissioner Rosen Gonzalez to bring this item in May 11, 2016 with a report from DERM; there was consensus among the City Commission. **Elizabeth Wheaton to handle.**

**DIRECTION:**

Send a Resolution to the Florida Department of Environmental Protection to raise awareness of the salt-water intrusion in Biscayne Bay. **Office of the City Attorney to draft Resolution for the May 11, 2016 Commission Meeting.**

Commissioner Rosen Gonzalez placed the item on the Commission Agenda to raise awareness of what is going on at Turkey Point, and asked what is being done at the City, County and State level, and what can be done as a City.

City Manager Morales introduced Lee Hefty.

Lee Hefty, Director of Miami-Dade Environmental Resources, Management Division, explained that the drinking water is safe. He knows there has been some information in the media about tritium, which is a radioactive isotope of hydrogen, which they use to trace water that came from the Turkey Point cooling canal system. The water from the well fields is safe and they are making sure that it stays that way. From the data received, they know that the water from the cooling canals is migrating outside of the boundaries of the Turkey Point facility; it is affecting groundwater to the west and they detected it affecting some very specific areas in Biscayne Bay immediately adjacent to the cooling canal system. They are working with FPL to have those issues addressed. FPL has begun counter measures to minimize the impact of water on Biscayne Bay and are working on a fairly significant issue. DERM issued a notice of violation to FPL last year, and they have entered into a voluntary consent agreement to resolve the violation of the County Code. FPL is presently designing an extraction well system that captures water that is leaking out of the cooling canal system and dispose of it in the deep well, much as they do with all County wastewater.

Commissioner Rosen Gonzalez asked how sodium and tritium plays a role, for the public to know.

Mr. Hefty explained that sodium is a separate constituent with its own standards and they will have to look at that to see if they are violating that; tritium is a tracer to identify the water. They have determined that they are violating the chloride standard. He explained that over time the cooling canal system acts like a radiator, and is used to cool the elements of the power plant. When it comes out, it cools through evaporation. Over the decades, what happens is that as the freshwater evaporates from the cooling canal system, the salt is left behind and it becomes saltier over the years. As part of this agreement with FPL, they are developing a system to manage the salt going forward so it does not continue to increase as it has during the last three decades.

Commissioner Rosen Gonzalez asked when they would be able to regulate the sodium, and asked why they allow them to violate this and why do not shut it down.

Mr. Hefty explained that they are not allowing them to violate, but they are taking enforcement action. That is the reason the County issued a notice of violation. This is regulated by the State of Florida under the State law, and DERM is pre-empted by the State from regulating the citing and operations of power plants, but when the contamination of the facility left their property, they stepped in and took action.

Discussion held regarding injecting floodwater.

Commissioner Arriola asked what assistance they are receiving from the nuclear regulatory agencies, or from any other outside groups, as far as funding or expertise.

Mr. Hefty explained that all agencies, whether State or local, have independent authority. What the County has done is steps out on their own in taking enforcement action. FPL has responded in a reasonable manner, by entering into a consent agreement. They have met with the Mayor's Office and are taking extensive modeling to design a system that would extract the water moving towards the west and are taking steps to remove contaminants.

Commissioner Rosen Gonzalez inquired whom they could direct the complaints that may arise at the State level. Mr. Hefty answered the Florida Department of Environmental Protection.

Aletha Player, FPL representative, introduced scientists Matt Raffenberg, who works closely with Mr. Hefty.

Matt Raffenberg, FPL's Environmental Services Director, showed a State map describing the leakage. He explained that they have been working with DERM on the issue; the drinking water is safe, the bay is safe, they have collected over 4.5 million data points per year that they have analyzed closely. They are moving forward implementing a system to pull back and dispose of this water and manage it effectively. They live in the County and it is an important issue. There is a great deal of misinformation out there; there are technical issues, but the data are being used inaccurately per the New York Times article. The Nuclear Plant is not leaking, what is happening is that salt is being generated in the cooling system, but is not from the nuclear power plant. Cooling systems are used by all power plants to cool the steam during power generation; this system was permitted in the 1970s and is open to the ground water. He showed on the map the line that represents the salt-water intrusion line in 1955. The system was developed to operate and cool the plant, and this has been monitored since the 1970s. For the first four years, the data were supportive of the operational facility, and they began seeing the trend increase in salt, and that is when they took enforcement. This is an important issue and the issue will be resolved. The salt is sinking, but the system was ultimately designed that way initially; and now they are reacting to that.

Commissioner Rosen Gonzalez asked how important Turkey Point is.

Mr. Hefty stated that Turkey Point is very important. The County imports about 50% of its power from outside the County during the summer peak, it comes from plants in Fort Lauderdale, West and Palm Beach Counties and other locations. Turkey Point is where most of our customers are and it runs for about 18 months, and every 18 months they bring them down, change equipment and fuel and turn them back on.

Commissioner Rosen Gonzalez added that the South Miami Mayor is upset about the power plant and the nuclear facility. She asked what they are doing about that.

Mr. Hefty stated that for their operating plant there is a great deal of hardening that went in place throughout the country after the Fukushima event in Japan. Their facilities are elevated higher than more facilities in Miami-Dade County. Sea level rise is important to them at all facilities. They have looked at them and tried to put in controls where they can continue to operate and face sea level rise.

Commissioner Rosen Gonzalez stated that she would like to send a Resolution to the Florida Department of Environmental Protection to raise awareness of the salt-water intrusion in Biscayne Bay.

R9O Discuss Waiver Of Outstanding Parking Lieu Fees For Red Steakhouse, 119 Washington Avenue.

(Sponsored by Commissioner Michael Grieco)

**ACTION:** Item deferred to **May 11, 2016** by Commissioner Grieco. Lilia Cardillo to place on the Commission Agenda if received. **Saul Frances to handle.**

**5:17:02 p.m.**

R9P Discussion Regarding I-95 Express Lane Access To The Julia Tuttle Causeway.

(Sponsored by Commissioner Michael Grieco)

**ACTION:** Discussion held. Motion made by Commissioner Grieco to refer to NCAC; seconded by Commissioner Alemán; Voice vote: 7-0. **Jose Gonzalez to handle.**

**REFERRAL:**

Neighborhood/Community Affairs Committee

Commissioner Grieco requested referring this item to Neighborhood/Community Affairs Committee. He feels input is necessary on both sides of the issue.

**5:17:32 p.m.**

R9Q Discussion Regarding Active Enforcement Of Bicycle Lane Obstruction.

(Sponsored by Commissioner Michael Grieco)

**ACTION:** Discussion held. **Jose Gonzalez to handle.**

**DIRECTION:**

- Provide list of all dedicated bike lanes that are State or County Roads for Commissioner Arriola to contact the County. **Jose Gonzalez to handle.**
- Notify staff driving City vehicles, including Police vehicles, Police motorcycles and City bikes of the active enforcement. **Saul Frances and Chief Oates to handle.**
- Prioritize not blocking bicycle lanes.

Commissioner Grieco stated that the City spends time discussing traffic flow and lane obstruction, and this is more for Police than transportation and parking. They do a great deal of focusing on the obstruction of traffic lanes and the effect on traffic, but they also spend a great deal of time

discussing bicycle lanes, painting bicycle lanes, making the City more bicycle friendly; however, he drives around the City and he sees trucks and Citi Bikes trucks and other vehicles obstructing the bike lanes; which forces bicyclists go out into the road, which is a safety hazard. He hears about accidents via text and social media, and this is happening a great deal. He wants to make sure that Police, Parking and Code are prioritizing this issue, as he does not see it being prioritized. He welcomed Major Causey to address this Citywide issue, and reiterated that bicycle lanes need to be kept clear.

Police Major Causey added that the addition of the green paint bike lanes on 16<sup>th</sup> Street has been a huge success, and he thinks the proper painting of the bike lanes definitely shows the drivers that it is a dedicated bicycle lane. The white bicycles painted on the ground are too small and motorists do not clearly detect it.

Commissioner Arriola asked if they can expedite the painting of these bike lanes and asked what the process is.

Jose Gonzalez, Transportation Director, explained that there are additional green bicycle lanes for this Fiscal Year and they will be painting Alton Road, South of Fifth Street, including South Pointe Drive to Ocean Drive; they intend on doing this throughout the City.

Commissioner Arriola asked if the painting is a standalone project or done in conjunction with other roadwork projects.

Mr. Gonzalez answered that they are working with CIP and Public Works, and if they have protected bike lanes proposed, then they will try to incorporate those as part of the neighborhood improvement project and different public works projects. If there is not a project in the next couple of years, they will go ahead and paint it green, so it is on a case-by-case basis. They work with CIP to determine the timing of it; that is how they developed the schedule for the green bike lanes. There are four or five of them due by next month.

Commissioner Arriola asked if they could paint bike lanes green and then protect the bike lanes.

Mr. Gonzalez stated that they are trying to time it in a sensible way, as it is expensive. They want to paint them green if there is not a project. For example, in the Flamingo Neighborhood, which is about four years away, they want to move forward with green bike lanes, but in other neighborhoods it may not make sense and then they would incorporate as part of the CIP project.

Commissioner Arriola suggested expediting the painting of the green bike lanes; in instances where it makes sense and it does not add cost.

Discussion held.

City Manager Morales clarified that some of the dedicated bike lanes are in State Roads. The County and FDOT do not agree with the green bike lanes.

Commissioner Arriola requested a list of all dedicated bike lanes that are State or County Roads and he will contact the County. **Jose Gonzalez to handle.**

Discussion held.

Commissioner Grieco wanted to discuss how the obstruction of the existing lanes would be enforced, not just with City vehicles, including Police vehicles that are not on a call, but Citi bike

trucks, and spread the word that they are actively enforcing this, especially with the Police motorists. This is very unsafe and unfriendly to the bicyclists. **Saul Frances and Chief Oates to handle.**

Major Causey added that a grant was received for specific enforcement of crosswalks for pedestrian, bicycles and other vehicles, so it is a combination of getting the motorists to also follow rules, as well as pedestrians when crossing the street. This is a three-phase project, which they are starting now. The first phase is awareness, which they are doing, and phase two is a warning phase, with phase three being the enforcement phase. They select different intersections in all three areas of the City where the most complaints are received at major intersections, such as 71<sup>st</sup> Street and east Bay Drive, West Avenue, 41<sup>st</sup> Street and five to seven Police officers will go out for six or seven hours and will cite pedestrians, bicyclist and motor vehicles in the enforcement process. He can put a memorandum patrol wise.

Commissioner Grieco reiterated that bike lanes should not be blocked and requested that this be made a priority.

**11:58:13 a.m.**

**SUPPLEMENTAL MATERIAL 4:**

**Additional Information & Limited Conditions Assessment Report RE: Interior Flooding**

R9R Discussion Regarding Interior Flooding At The Byron Carlyle Theater.  
(Tourism, Culture & Economic Development)

**ACTION:** Discussion held. Motion made by Commissioner Malakoff as recommended; seconded by Commissioner Alemán. Voice vote: 7-0. **Max Sklar to handle.**

**RECOMMENDATION:**

Move forward with a draft plan in conjunction with the Master Plan.  
Use the bathrooms to the west in the meantime.

Max Sklar, Tourism, Culture & Economic Development, explained that late last year during a king tide events, some flooding occurred at the Byron Carlyle. After investigation, they found out that water is coming in through the foundation during those tide events. The various options provided by consultants include cost ranging from \$250,000 to \$500,000, depending on the option and cost of each of those options. However, the facility is at a very low elevation, and long term, they need to make a decision on how to proceed with the facility. In the short term, there is an additional set of bathrooms in the back portion of the facility that can be used if the need arises, complying with the Building Code requirements. He asked for direction from the City Commission on whether or not they want to start the process for the future of the facility, and even potentially go out to bid for the redevelopment of the site. This is a long process, which could take up to a year.

Commissioner Malakoff spoke to management at O-Cinema and agrees that the bathrooms are acceptable in the meantime; however, in the long term, the facility will need to be demolished and something else needs to be built, as it is too low. Before planning though, she suggested waiting to hear from the Master Planner before moving with the exact scope of what they are asking for.

Max Sklar, Tourism, Culture and Economic Development Director, stated that following the adoption of the Master Plan, they could come back with a draft plan.

## Handouts or Reference Materials:

1. Email from Marcia Monserrat dated April 12, 2016 RE: Byron Carlyle DWA Report.pdf.
2. Supplemental Material 4

**5:27:21 p.m.**

- R9S Discussion To Consider Adopting The Disability Access Committee's Request For The City To Support Power Access Inc. For Disability Awareness Events.  
(Sponsored by Commissioner Ricky Arriola)

**ACTION:** Discussion held. Item heard in conjunction with R9BB. Motion made by Commissioner Alemán to refer the item to Finance and Citywide Projects Committee; seconded by Commissioner Arriola; Voice vote: 7-0. **Allison Williams to place on the Committee Agenda. Max Sklar to handle.**

**RECOMMENDATIONS:**

- Raise fund from private sectors
- Approve waiver of fees for the Colony Theater for \$3,430.
- Reach out to David New to find out specific needs. **Max Sklar to handle.**
- Commissioner Arriola to obtain an itemized list of their needs.
- Referral to Finance & Citywide Projects Committee to consider finding dollars for the remaining \$15,000

Commissioner Arriola stated the Disability Access Committee met about months ago and they passed a Resolution requesting funding from the City to help them as part of the first Annual South Beach Jazz Festival happening in December 2016. They need funding so the disabled can perform in the Jazz Festival along Lincoln Road. They are requesting funds in the amount of \$25,000; however, \$10,000 is already available from the MBC parking reimbursement fund, so he is asking that the City Commission considers granting the \$15,000 that remains.

Commissioner Alemán asked if any VCA grants or funds are available to cover the gap.

Discussion held.

Vice-Mayor Steinberg stated that they have criteria and a grant process.

Commissioner Malakoff stated that Item R9BB discusses the waiver of fees for the Colony Theater, and it is for the Jazz Festival for \$3,430.

Max Sklar, Tourism, Cultural and Economic Development Director, stated that the DAC missed the deadline for grants for next year, as it passed a few weeks ago. The VCA has a rolling cycle and they could apply but he does not think they will qualify due to the room night requirement.

Discussion continued regarding funding requested.

Commissioner Grieco asked on what the money is specifically being spent.

Commissioner Arriola explained that he did not get a detailed list of what the \$25,000 entails, but they will have multiple disabled artists displaying along Lincoln Road.

Max Sklar, Tourism, Cultural and Economic Development Director, stated they met with DAC briefly and explained the process for applying for a permit, but they were not asked for funding and did not discuss this.

Commissioner Arriola suggested deferring the item. He will obtain an itemized list of their needs. Since it is an unfunded item, he wanted the City Commission's pulse on whether it is something worth exploring or not.

Mr. Sklar will reach out to David New, DAC Chair, to find out specific needs. **Max Sklar to handle.**

Commissioner Malakoff suggested reaching out to private sponsors.

Discussion continued.

Commissioner Arriola stated that the cost is more than \$25,000 for the entire festival.

Mr. Sklar understands that they reached out to the Lincoln Road BID and are seeking contributions from them as well and sponsorship.

Commissioner Alemán referred the item to Finance and Citywide Projects Committee.

Commissioner Grieco is interested, and thinks they can get funding from the private sector.

Motion made by Commission Malakoff to approve the waiver fee for the Colony Theater in the amount of \$3,430.00 (Item R9BB); seconded by Vice-Mayor Steinberg; Voice vote: 7-0.

Vice-Mayor Steinberg will assist with the fundraiser, and at Finance, they can look if they have dollars allocated for this purpose.

#### **5:34:04 p.m.**

R9T Discussion Regarding The Collins Park Parking Garage Project.  
(Capital Improvement Projects)

**ACTION:** Discussion held. Motion made by Commissioner Arriola as directed below, seconded by Commissioner Malakoff; Voice vote: 6-1; Opposed: Commissioner Grieco. **David Martinez and Office of the City Attorney to handle.**

#### **DIRECTION:**

- Put out an RFQ for garage/design
- Reach out to the Collins Park Neighborhood Association and all affected neighborhoods
- Contemplate a garage that meets all the parking requirements that neighbors need
- Garage to include a retail component, primarily designed to have some art galleries and art anchor tenants
- Garage to include a beautiful exterior design
- Provide for workforce housing for artists, whether on top of the garage or in the lot adjacent to it.

David Martinez, CIP Director, gave a final update on the project. On March 31, 2016, they received the final set of plans from Zaha Hadid for the full 60% set of documents of the valued

engineer design. In addition, they received a cost estimate and an estimate from the construction manager. The numbers came in under \$25 million for the redesigned garage; however, the redesigned garage has significant differences from the original concept and plan that the City envisioned. For example, there is ground level parking included in this option; the plaza has been significantly reduced; retail spaces have been reduced by more than half; the parking count has dropped from 470 to about 409. They are under \$25 million, and are seeking direction to either: 1) buy this design as is or a previous one; 2) seek involvement from a private sector for another design or 3) have the City Administration, CIP, pursue terminate the relationship with Zaha Hadid and construction manager at risk and proceed with a new RFQ, which would go design/build. He introduced Gustavo Bloomberg, representing Zaha Hadid.

Gustavo Berenblum, Principal and local partner, stated that Zaha came to Miami Beach, not only to visit Art Basel and other events, but also to spend time in Miami Beach; she had an apartment on 23<sup>rd</sup> and Collins and she really loved the City. Unfortunately, they lost her a few weeks ago, but this was one of her last projects; her hands were on the design and he is here in support of the project. He asked the City Commission to consider its approval.

Mayor Levine stated that he got to know Zaha, and she was one of the greatest architects of our times; she spent a great deal of time in Miami Beach and loved the City. This project came in at a very high price and then they worked through it and brought it down; he believes that this is such an incredible iconic piece of her last work, that he thinks they should seriously consider having this completed in Miami Beach and tweaked by the firm to make sure they get additional parking spaces, and make it work and come together. He thinks this is incredibly important for years to come.

Commissioner Grieco stated that they have addressed this for a couple of years, and most of his colleagues have wanted to do this project and have Zaha's vision come to fruition in Collins Park. When Zaha came back with the \$50 million item, it was awe inspiring; one of the most amazing garages, including the plaza; his concern is that they have a garage that will cost half of that, which is still over budgeted, close to \$20 million.

Mr. Martinez stated that the current funding is for the entire project, and is \$27 million.

Commissioner Grieco stated that the scale down version pales in comparison to what was the original design. He would love to see this move forward, but agrees with Mayor Levine, he is not sure how to get there. Six months or a year ago they had to fight to keep sharpening their pencils and keep the project going, but he wants to make sure that they are not losing the vision of what was supposed to be in Collins Park.

Commissioner Malakoff asked if ground parking is visible from the street, and Mr. Martinez answered "yes." This is not acceptable to her.

Commissioner Alemán suggested uploading the project design on the screen. She is concerned with the cost; originally, the average cost per parking space was \$105,000 and now they are looking at \$60,850 per space. What is normal?

Mr. Martinez stated that he has been working with folks and parking garages go for \$25,000 per space for a very basic, efficient garage, rectangular and strictly efficient. That is the low-end.

Discussion continued.

Project Design Comparison [slide presentation shown](#).

Commissioner Rosen Gonzalez stated that when looking at all three designs, she suggested not going back; if they look at the difference, they are going to have 16,000 square feet of retail, and 460 spaces as opposed to the third revision, which will generate less money overall. She thinks that number two will generate the difference to be saved with the current design.

Discussion continued.

Gustavo Berenblum explained that the \$29 million project is a happy medium, as it achieves the goals aesthetically and functionally.

Commissioner Rosen Gonzalez stated that with the \$25 million version one loses the great elements of the garage.

Ray Breslin agreed with Mayor Levine that the original iconic design is the best option; however, what the City now has is not at all what would be acceptable. The lot has been paid for; the lot behind the library can be used for parking or a building to have workforce housing and Miami City Ballet dorms.

Discussion held.

Commissioner Arriola met with the Miami City Ballet, the New World Symphony and the Bass Museum to discuss this subject. He suggested building a nice garage to meet the demands and needs of the neighborhood, build some sort of workforce housing, on the top or the side, reach out to the Arts Center who are possibly leaving town and have expressed interest, and have an anchor tenant at the retail level, in order to create a cluster of major art organizations. With the Arts Center, he thinks they can get something that is impactful and beneficial to the community and will particularly help grow the arts district that they are creating on Collins Park.

Vice-Mayor Steinberg stated that there is something about the iconic architecture, but there is something that makes sense about what Commissioner Arriola is saying. They need to move forward and do something.

Monica Entin, representing Shutt Davis, asked the City Commission to look at what they are getting, and allow opening up this process again. The Zaha Hadid garage was amazing, but what they are getting now is a watered down version of it. All the amazing features, the glass elevator, the circular items are gone; it is now a square garage. They ask that they continue the item, or open it up with a new RFP.

Commissioner Alemán would like to look at the runner up on the bidders, and to look at the option outlined by Commissioner Arriola. She wants to look at all three options.

Mr. Martinez stated that an RFQ was passed in Consent Agenda to hire a design criteria professional for multiple garages; the idea if they go that route, is to put a criteria package in a short time and go out to design/build contract, which is the one that would take it to HPB and through the entire process. The design/build criteria RFQ included a multi-use garage type mixed use, with workforce housing, retail and other features. It was intended for a Fire Station if that moves forward.

Discussion continued.

Commissioner Malakoff spoke to the City Manager about this when the scheme price was over \$100,000 per space, and suggested having an attractive garage that would have workforce

housing, particularly related to the Arts, Miami City Ballet, Art Center and The Bass, and where artists can have studios and lots to live in; some of the studios can be on the retail space so people walking by can see artists at work rather than all retail.

Commissioner Arriola announced that in talking to the Bass Museum, they have a need for outside storage for art that is not being displayed and it is in crates, and they will take the ugly part of the garage that no one wants and use that for storage. As part of the design/build for the new garages, contemplating storage space that would benefit the Bass Museum and support the local arts organization through the use of this development would have a high impact on the neighborhood.

Discussion held.

Raul J. Aguila, City Attorney, explained that direction was given as to options to explore as far as Zaha Hadid; the issue now is whether the submitted design, they have complied with contractual requirements or not. The termination of the Zaha Hadid contract would either be for cause or convenience, in which case, the City would not be able to recoup the architect's fees that is already move forward. This is a process they are looking at in the Legal Department. He asked for direction from the City Commission and then they will advise.

Commissioner Arriola made a motion to work on the RFQ for a garage/design, working with the Collins Park Neighborhood Association and all affected neighborhoods, to contemplate a garage that meets all the parking requirements that the neighbors need, with a retail component, primarily designed to have some art galleries and art anchor tenants, with a beautiful wrapped shell design, and whether on top of the garage or the lot adjacent to it, to provide for workforce housing for artists. Motion seconded by Commissioner Malakoff; Voice vote: 6-1. Opposed: Commissioner Grieco.

Commissioner Rosen Gonzalez suggested inviting MDC (Miami-Dade College) to do educational component and give classes.

Commissioner Arriola added that The Bass Museum is doing the educational component as well as the Miami City Ballet.

Handouts or Reference Materials:

1. Project Design Comparison PowerPoint, April 2016 CIP.

**11:34:24 a.m.**

R9U Discussion Regarding The Convention Center Hotel.

(Sponsored By Commissioner Kristen Rosen Gonzalez)

**ACTION:** Item withdrawn. See action with R9C and R9X.

Handouts or Reference Materials:

1. Email from Commissioner Kristen Rosen Gonzalez dated April 8, 2016 RE: Removal of item.

**5:54:16 p.m.**

R9V Discussion And Update On The North Beach Pilot Program For Designated Residential Zones Limiting On-Street Parking To Cars And Trucks.

(Sponsored by Commissioner John Elizabeth Alemán)

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

Saul Frances, Parking Department Director, introduced the item, and explained how they have distributed notices; and they have received a great response, and over 85% of scooters and motorcycles have been parking in the respective corrals, without the need of issuing parking tickets. Enforcement will begin within the next 30 days, and they will keep track of what the public reaction is.

**4:08:17 p.m.**

R9W Discussion On Initiating A North Beach Site Comparison For A Family-Friendly Skate Park In Advance Of Completing The North Beach Master Plan.

(Sponsored by Commissioner John Elizabeth Alemán)

**ACTION:** Discussion held. Motion made by Commissioner Alemán; seconded by Commissioner Grieco to have City staff identify locations and funding, and have the item reviewed at NCAC in May 2016; Voice vote: 7-0. **Jeff Oris and John Rebar to handle. Judy Hoanshelt to review grant opportunities.**

Commissioner Alemán explained that in 2010 the skate park concept was rejected for Flamingo Park, and since then a great deal has happened. Numerous letters of support have been received from different local schools, and the desire to progress with this. She spoke to the North Beach Master Plan consultant to see if it makes sense. There are options now for the skate park, consistent with the desire of the community. She asked if there was an appetite to have an analysis and have staff identify potential North Beach locations and refine a set of requirements, map the potential sites to those requirements, possibly a SWOT analysis and come back to the Master Plan committee prior to the completion of the Master Plan at the end of the year. There are also possible grants they can pursue.

Commissioner Arriola has been championing this for many years. He is a strong supporter of a skate park.

Commissioner Malakoff is concerned that skateboarders and dirt bikes are not on the same track; they need to be separate due to safety issues.

Jonathan Strauss from Velo Solutions USA presented a video. Velo Solutions is a contract builder that paves parks as an alternative fashion for skate parks.

**4:24 p.m.**

Video shown.

Discussion held regarding partnership and duration for build. Park shown on video was \$20 per square foot for track, partnership with developer in New York City. Impact fees were also involved. The actual build time was 9 days.

Commissioner Alemán stated that a Miami Beach park of this nature would be unique; depending on the site, whether there is a concession, she suggested that they go ahead and start due diligence now.

Mr. Strauss stated that a hybrid park was just built in Bali. This was the first ever hybrid park built with 12-day build period.

Discussion continued.

Commissioner Malakoff asked if skateboards and bikes use the same lane. Mr. Strauss explained that they use the flow system, which is different from a traditional skate park.

Commissioner Malakoff asked what location would be suitable.

Mayor Levine asked if the item should be referred to committee.

Discussion held.

Commissioner Alemán identified potential North Beach sites, and proposed gathering community and neighborhood feedback, take sites and send them to Parks and Recreational Facilities Board and the North Beach Master Plan Steering Committee, and have an ultimate recommendation with positive and negative feedback. This will be a healthy, friendly addition to the community.

Vice-Mayor Steinberg agrees with the concept but it needs to be something that is done with operating hours and regulations, with the right management. She agrees in referring to NCAC.

Mr. Strauss stated that the skate park can be seen in operation at Amelia Earhart Park.

Discussion continued regarding working together with the Mayor of Surfside on a mutual project.

Jeff Oris, Economic Development Division Director, believes this item is best referred to NCAC for further examination.

Handouts or Reference Materials:

1. Email dated, April 11, 2016 from Daniel Dietch, directed to Commissioner Alemán, with copy to Mayor Levine, Commissioners Steinberg and Malakoff, and Danila Bonini, David Zaret, Erick Chiroles, Jimmy Morales, Guillermo Olmedillo, Linda Miller, Tim Milian and Rafael Granado, RE: Agenda Item R9W: Letter of Support; Included in the e-mail is an attached letter of support from Daniel Dietch, Mayor of the Town of Surfside.

**11:34:24 p.m.**

R9X Discussion To Consider The Adoption Of The Miami Beach United Resolution Calling For The City Of Miami Beach To Engage With Residents And Neighborhood Associations When Considering Alternatives For The Convention Center Hotel.

(Sponsored by Commissioner Ricky Arriola)

**ACTION:** Item heard in conjunction with R9C.

**5:54:56 p.m.**

- R9Y Discussion And Referral To Sustainability And Resiliency Committee Regarding The Creation Of Voluntary Smoke Free Zones/Block On The Beach Sand.  
(Sponsored by Commissioner Michael Grieco)

**ACTION:** Discussion held. Item referred by acclamation. **Elizabeth Wheaton to place on the Committee Agenda. John Ripple to handle.**

Commissioner Grieco stated that the City cannot restrict smoking unless it involves a playground due to State preemption. He would like to place signage at the entrance to the beaches making voluntary smoke-free areas. He gave the example of the de facto gay beach in Miami Beach, and believes the same could be done for a smoke-free beach. He would like to try this around Fifth Street.

Commissioner Alemán expressed her concern of having too much signage on the beach.

Discussion held regarding the location of the signage.

Commissioner Rosen Gonzalez suggested having an educational campaign for people to be healthier by not smoking and throw litter in the garbage bins.

- R9Z Discussion Regarding Regulating AirBnB.  
(Sponsored by Commissioner John Elizabeth Alemán)

**ACTION:** Item withdrawn. See item C4D.

**3:09:21 p.m.**

- R9AA Discussion Regarding Expansion Of The City's Nurse Enhancement Initiative To Provide Enhanced Behavioral Health Services To Public Schools In Miami Beach With Limited Behavioral Health Services (Miami Beach Senior High School, Nautilus Middle School, South Pointe Elementary, Fienberg Fisher K-8 Center, And Biscayne Elementary).  
(Sponsored by Vice-Mayor Micky Steinberg)

**ACTION:** Discussion held. Motion made by Vice-Mayor Steinberg; seconded by Commissioner Alemán to expand the nurse initiative to include behavioral health. to named schools and find funding sources; Voice vote: 7-0. **Dr. Leslie Rosenfeld to handle.**

Vice-Mayor Steinberg introduced the item in regards to behavioral health. She read for the record a statement written by Dr. Peter Gorski: "today, one in three children suffer developmental or behavioral disabilities that limit their health and school performance. Anxiety, depression, inattention, and other behavioral issues have replaced infectious diseases and physical disabilities as the chief culprits that interfere with the children's health, well-being and learning." Some schools provide behavioral health, but there are five schools that do not: Fienberg-Fisher, Biscayne Elementary, Nautilus Middle School, Miami Beach High School, and South Pointe Elementary.

Dr. Leslie Rosenfeld gave a brief history of services provided with the various municipal partners. She hopes all the partners continue to enhance this initiative and include behavioral and mental health services.

Dr. Peter Gorski, Children's Trust, stated that the Children's Trust invests \$14 million every year for school health, however, it covers only half of the schools in the County Unified District. Each has a team with a registered nurse, licensed practical nurse and a social worker. The need is increasing in size. More effort can be done to focus on each school.

Commissioner Alemán stated that the statistics of the return rate for students is tremendous. It is important to identify behavioral issues early, and it is important to have the right personnel for the job.

Commissioner Rosen Gonzalez believes that this program is essential.

Commissioner Grieco is in support of the item, but asked if the funding sources had been identified, because he does not want this to be an unfunded mandate.

Handouts or Reference Materials:

1. Article in "Next Generation" titled PEACE OF MIND, written by Dr. Leslie D. Rosenfeld, RE: behavioral disabilities.

**5:33:37 p.m.**

R9BB Discussion Regarding A Waiver Of Fees For The South Beach Jazz Festival, December 9 And 11, 2016, At The Colony Theater In The Amount Of \$3,430.00.

(Sponsored by Commissioner Joy Malakoff)

**ACTION:** Discussion held. Item heard in conjunction with Item R9S. Motion made by Commissioner Malakoff to waive the fees for one night; seconded by Commissioner Grieco; Voice vote: 7-0. **Max Sklar to handle.**

Commissioner Malakoff stated that this is specifically for one night at the Colony Theater, and they would also use the Euclid Circle on Lincoln Road.

**5:58:12 p.m.**

R9CC Discussion Regarding Traffic Calming Efforts On Prairie Avenue And In Bayshore Neighborhood.

(Sponsored by Commissioner Michael Grieco)

(Legislative Tracking: Transportation)

**ACTION:** Discussion held. Motion made by Commissioner Grieco for the Transportation Department to follow policy direction and conduct a traffic study for \$20,000, which is their budget, and come back with recommendations to the City Commission. Seconded by Commissioner Alemán; Voice vote: 7-0. **Jose Gonzalez to handle.**

Commissioner Grieco stated that the Bay Shore neighborhood is having a great deal of traffic issues, with an increase in cars and speeding. He asked the Transportation Director Jose Gonzalez what could be done to alleviate this problem.

Commissioner Malakoff asked if a traffic study had been done in the neighborhood.

Jose Gonzalez, Transportation Director, replied to Commissioner Malakoff's question that there had not been a traffic study done in that neighborhood. He explained that his Department has been working closely with CIP, and they will be doing a neighborhood improvement project soon, and they anticipate issuing a notice to proceed next month. They will have to do a traffic study quickly, before CIP begins their work in the neighborhood. After the traffic study, they can discuss traffic calming devices that may work, such as roundabouts, and diverters. He highlighted the fact that funding is an issue, they will need \$85,000 for design, and \$2.5 million for the construction of permanent devices, but the traffic study can be done within their budget.

Commissioner Grieco stated that he would like the Transportation Department to go ahead with its traffic study.

Mayor Levine asked if every neighborhood would now want to have their own traffic study.

Commissioner Rosen Gonzalez stated that there will be new "smart" traffic lights that will be implemented throughout the County. She asked if the City could reach out to the County, and see when these new traffic lights will be installed in Miami Beach, and perhaps there will not be a need for doing Citywide traffic studies.

Commissioner Malakoff referenced a traffic study done by the Police Department, which found that there was no heavy traffic, and few instances of speeding.

Mr. Gonzalez stated that the referenced traffic study was for the Nautilus neighborhood, and not for Bay Shore.

Mayor Levine asked what the impact has been on traffic apps such as Waze on having people cut through neighborhoods.

Josiel Ferrer, Transportation Manager, stated that other cities such as Los Angeles and Miami Shores have experienced difficulty with Waze providing alternate routes. When they spoke to them, they were not opened to changing their models. The City has partnered with Waze to provide information to drivers that cutting through neighborhoods may in fact take longer than the main routes.

Commissioner Grieco stated that many neighborhoods have suffered recently with traffic, and the City must come up with new ways to prevent drivers from cutting through neighborhoods trying to avoid traffic. The Bay Shore neighborhood is looking for help, and we need to provide them with assistance.

Commissioner Alemán stated that there has been a great deal of talk regarding traffic calming, but very little has been said regarding traffic capacity.

Discussion continued.

Mayor Levine asked what the costs would be for the traffic study.

Mr. Gonzalez stated that the traffic study will cost \$20,000 to engage with a traffic consultant, but their department already has the funds allocated for such a study.

Mayor Levine warned the City Commission that going ahead with this effort might open Pandora's Box, because the \$20,000 traffic study could easily turn out costing the City upwards of \$2,000,000.

Commissioner Rosen Gonzalez proposed having a marketing campaign to get people to start using public transportation.

Discussion held.

Vice-Mayor Steinberg stated that since the funds are already allocated, the Transportation Department should go ahead with the traffic study, and come back to the City Commission with its findings.

Commissioner Rosen Gonzalez suggested waiting until the City receives the findings from the Nautilus traffic study, before starting any new traffic studies.

Mr. Gonzalez stated that because CIP is going ahead with their neighborhood enhancement project, there is a narrow window of approximately 30 to 45 days to collect data for the traffic study.

Discussion continued.

Motion made by Commissioner Grieco for the Transportation Department to follow policy direction and conduct a traffic study for \$20,000, which is already in the budget, and come back with recommendations to the City Commission; seconded by Commissioner Alemán.

**6:19:24 p.m.**

**ADDENDUM MATERIAL 2**

R9DD Discussion Regarding The City Of Miami Beach Joining The Metrolab Network With Local Universities.

(Sponsored by Commissioner Ricky Arriola)

**ACTION:** Discussion held. Motion made by Commissioner Arriola to formally engage with Metrolab and reach out to the University of Miami and other local universities; seconded by Vice-Mayor Steinberg; Voice vote: 7-0. **Dr. Leslie Rosenfeld to handle.**

Commissioner Arriola introduced the item. He met with the University of Miami to explore ways of working together, and he believes they can collaborate together with Metrolab. He proposed entering into a Memorandum of Understanding (MOU) with the University of Miami and other local universities, and engage in research projects throughout the year. As far as he is aware, no other City in the County has been using Metrolab, so it will be a good opportunity for Miami Beach.

City Manager Morales stated that there is a good steering committee with FIU, and they have been collaborating on issues such as climate change, architectural and design issues.

Commissioner Arriola agreed with the City Manager's statement and is looking forward to working together with any local university.

**01:35:00 p.m.**

**NEW ITEM**

R9EE Discussion Regarding The 2016 Legislative Session – Presentation by State Representative David Richardson.

(Requested by Mayor Philip Levine)

**ACTION:** See comments with Item R7P.

**R10 - City Attorney Reports**

R10A City Attorney's Status Report.

(Office of the City Attorney)

**ACTION:** Report given.

**12:06:33 p.m.**

R10B Notice Of Closed Executive Session

Pursuant To Section 447.605, Florida Statutes, A Closed Executive Session Will Be Held During Recess Of The City Commission Meeting On Wednesday, April 13, 2016, In The City Manager's Large Conference Room, Fourth Floor, City Hall, For A Discussion Relative To Collective Bargaining.

**ACTION:** Closed Executive Session announced and held.

**12:06:33 p.m.**

R10C Notice Of Closed City Commission Executive Session

Pursuant To 768.28, Florida Statutes, A Closed Executive Session Will Be Held Pursuant To City's Risk Management Program Relating Solely To An Offer Of Compromise Of A Claim.

**ACTION:** Closed City Commission Executive Session announced and held.

**Reports and Informational Items**

1. Reports and Informational Items (see LTC 147-2016)
2. List of Projects Covered by the Cone of Silence Ordinance - LTC No. 139-2016.  
(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 6:21:45 p.m.