

MIAMI BEACH

City Commission Meeting ADDENDUM MATERIAL 2

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive
May 11, 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 City Clerk's office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

ADDENDUM AGENDA

- R9T Discussion Regarding A City Employee Healthy Cafeteria.
(Sponsored by Mayor Philip Levine)
(There is no backup material for this item)
- R9U Discuss Alternative Drafts Of Proposed Amendments To Charter Section 1.03(b), Regarding A Public Vote On The Sale, Exchange, Conveyance Or Lease Of Ten Years Or Longer Of City Park, Recreation Or Waterfront Property.
(Sponsored by Commissioner Michael Grieco)

¹ The sponsor of the addendum agenda item deems that such item either constitutes a public emergency affecting life, health, property, or public safety and should be considered immediately; or does not constitute a public emergency, but should be considered immediately. See Miami Beach Code Sec. 2-12 (c)(3).

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Granado, Rafael

From: Grieco, Michael
Sent: Saturday, May 07, 2016 8:52 AM
To: Granado, Rafael; Morales, Jimmy
Subject: Fwd: Sec. 1.03(b) Charter Amendment Drafts
Attachments: PARKS IV, 5.11.16.docx; ATT00001.htm; PARKS V. 5.11.16.docx; ATT00002.htm

Attached are alternative drafts of Charter amendments together with revised transmittal memos:

I. The first draft would present to the city commission two options for expanding voter requirements for the sale, exchange, conveyance, or lease of ten or more years of city park, recreation or waterfront property:

- The first option, an increase to 60% voter approval, except retaining the 50% majority vote requirement for city property adjacent to waterways other than Government Cut, Biscayne Bay, Indian Creek or the Atlantic Ocean;
- The second option, adding that in addition to citywide 50+% voter approval 50+% of voters residing in precincts within a mile of the property concerned must also approve.

II. The second draft proposes only the second option: adding 50+% approval of neighboring residents.

[Note that there is language in the City Code equating "waterways" with "waterfront" as a definition. I.e., I believe the city attorney would likely interpret Section 1.03(b) of the Charter to include city-owned property adjacent to waterways within the requirement for a vote on city-owned "waterfront" property.]

MIAMIBEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Jimmy Morales, City Manager
FROM: Michael Grieco, Commissioner
DATE: May 7, 2016
SUBJECT: Agenda Item for May 11, 2016 City Commission Meeting

Please place on the May 11, 2016 City Commission Agenda as a Supplemental item the attached draft of a proposed amendment to Section 1.03(b) of the City Charter regarding a public vote on the sale, exchange, conveyance or lease of ten years or longer of city park, recreation, or waterfront property.

I am submitting this item at the request of a resident who recommends this should be addressed in conjunction with other agenda items designed to facilitate and make financially feasible the implementation of the city's Light Rail/Modern Streetcar system.

Specifically, Agenda Item C4D refers to a *"proposed transfer of air rights from the City"* at the Miami Beach Marina, 300 Alton Road, and Agenda Item R9J is a referral to the Land Use Committee and the Planning Board of a proposed *"redevelopment"* of the Miami Beach Marina *"and associated legislative changes"*.

Your memorandum, Item R9G on the May 11 Agenda, advises that your administration is pursuing, as directed by the City Commission, implementation of the streetcar system *"via a Public-Private Partnership (P3)"*, anticipating *"the execution of the Comprehensive agreement and financial close by early 2017, with completion of construction by 2020."*

Attorneys representing prospective developers of the city-owned Miami Beach Marina site have been actively seeking the support of residents for plans described as two 350-foot high towers (200-feet above current zoning), an increase in floor area ratio (FAR) and a contribution of \$100 million to a city fund dedicated to Light Rail Transit/Transit Facilities; recently, April 19, Attorneys Jeffrey Bercow as well as Michael Larkin registered as lobbyists for developer Fort Partners, LLC on this matter: [Bercow, Disc. Amt: \$625.00/hr 2016-04-19 Fort Partners, LLC Land use and zoning issues related to 300 Alton Road Land use and zoning issues related to 300 Alton Road" (from Lobbyist Log).]

I am hearing concerns expressed that the logic of selling or leasing the city's property rights/air rights on Bayfront or oceanfront property such as the Marina, could extend thereafter to other city waterfront, parks or recreation property. I recognize that a compelling case can be made to monetize the value of the city's property rights for a compelling public purpose, such as that represented by a Public-Private Partnership to implement the Miami Beach Light Rail Transit/Streetcar system, thus I am not unduly concerned about extending to the voters the right of concurrence for such properties.

The attached options would increase to 60% the voter approval requirement for City-owned park and recreation property, and waterfront property adjacent to Biscayne Bay, Government Cut, Indian Creek or the Atlantic Ocean, or in the alternative, retain the current 50%+ voter approval and add that such a vote must also receive approval from 50%+ of voters residing in precincts within a mile of the park, recreation, or waterfront property concerned.

MIAMIBEACH

Commissioner Michael Grieco
OFFICE OF MAYOR AND COMMISSION
1700 Convention Center Drive, Miami Beach, FL 33139
Tel: 305-673-7102 | Fax: 305-673-7096 / www.miamibeachfl.gov

ATTACHMENT

Option I

CHARTER OF THE CITY OF MIAMI BEACH

ARTICLE I. CORPORATE EXISTENCE, FORM OF GOVERNMENT, BOUNDARY AND POWER

OPTION A.

Sec. 1.03. - Powers of city.

(a) *General.* The City shall have all governmental, corporate, and proprietary powers to enable it to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes except as expressly prohibited by law or this Charter.

(b) *Alienability of property.*

1. The only limitation concerning alienability of City-owned park, recreation or waterfront property is the restriction of the sale, exchange, conveyance or lease of ten (10) years or longer (including option periods) of park or recreation property, or waterfront property adjacent to Biscayne Bay, Government Cut, Indian Creek or the Atlantic Ocean, in whole or in part, in the City of Miami Beach, unless such sale, exchange, conveyance or lease is approved by ~~a majority vote of the voters~~ vote of at least sixty (60) percent of the City's voters voting thereon in a City-wide referendum, and for City-owned property adjacent to other waterways, by a majority of the City's voters voting thereon in a City-wide referendum. This provision shall be liberally construed in favor of the preservation of all park, recreation and waterfront lands.

OPTION B.

Sec. 1.03. - Powers of city.

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MIAMIBEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

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The attached proposed Charter amendment would retain the current 50%+ voter approval required citywide for such and add that such a vote must also receive approval from 50%+ of voters residing in precincts within a mile of the park, recreation, or waterfront property concerned.

MIAMIBEACH

Commissioner Michael Grieco
OFFICE OF MAYOR AND COMMISSION
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ATTACHMENT

Option II

CHARTER OF THE CITY OF MIAMI BEACH

ARTICLE I. CORPORATE EXISTENCE, FORM OF GOVERNMENT, BOUNDARY AND POWER

Sec. 1.03. - Powers of city.

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