

MIAMI BEACH

**Presentations & Awards/Commission Meeting
City Hall, Commission Chamber, 3rd Floor, 1700 Convention Center Drive
April 27, 2016**

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

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

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ATTENTION ALL LOBBYISTS

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

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

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

Meeting called to order at 5:05:35 p.m.

Pledge of Allegiance led by Chief of Police Daniel Oates.

5:06:35 p.m.

Rafael E. Granado, City Clerk, announced that Item PA2 has been withdrawn.

ADDENDUM MATERIAL 1:

R7C R9G

SUPPLEMENTAL MATERIAL 1:

R7B Memorandum & Attachments
R9D Report
1. LTC 174-2016

SUPPLEMENTAL MATERIAL 2:

R7B Revised Memorandum & Resolution

NEW ITEM:

PA10

ITEM WITHDRAWN:

PA2

Presentations and Awards**5:21:07 p.m.**PA1 Employee Performance Recognition.
(Office of the City Manager)**ACTION:** Recognition made and Certificates presented.

Jimmy L. Morales, City Manager, explained that this recognition is for employees that exceeded or significantly exceeded their annual performance expectations. He explained that only 25% of employees achieved this recognition this year, out of 118 performance evaluations done this month. The following employees provided outstanding service to our City's residents and customers.

BUDGETKatherine Gonzalez
Francis Frances
Natasha Diaz-Rojas**BUILDING**Candelario Martinez
Gema Aranda
Georgette Daniels**CODE COMPLIANCE**

Herbert Jimenez

COMMUNICATIONSJacqueline Gonzalez
Melissa Berthier**FIRE**Timothy Barreto
Jason Bogk
Captain Nicolas D'alessandro
Andy Martinez
Cristopher Crato
Michael Sica
Lieutenant Victor White
Marcio Bueno
Joseph Florio, Jr
Lieutenant David Garcia
Yarily Sam-Gamil

INTERNAL AUDIT

Elisa Alonso
Laura Franco-Rubines

PARKS AND RECREATION

Pedro Gomez

POLICE

Yamillet Acosta
Aifa Alvarez
Richard Ocejo
Philip Henson
Traci Sierra

PUBLIC WORKS STREETS

Monestime Joseph
Ivan Rodriguez
Jose Herrera

Handouts or Reference Materials:

1. List of Recipients

PA2 Proclamation To Be Presented In Honor Of National Public Safety Telecommunicators Week.
(Emergency Management)

ACTION: Item withdrawn.

Handouts or Reference Materials:

1. Email from Autier Singleton-Taylor dated April 25, 2016 RE: Remove PA2 – Special Presentation & Awards Item – Emergency Management.

5:07:50 p.m.

PA3 Proclamation To Be Presented To Marjorie York.
(Sponsored by Commissioner John Elizabeth Alemán)

ACTION: Proclamation presented.

Commissioner Alemán introduced Marjorie York, who has served the community for several years, regularly going above and beyond the call of duty. Among other awards, Ms. York was Volunteer of the Year at Feinberg-Fisher Elementary School; Miami-Dade Coalition on Aging Volunteer of the Year; Alliance for Aging Elder Advocate Award; Prime Time Seniors Award; Goodwill Ambassador for the Film Industry; and 2004 Honoree for the Commission for Women's: Women Worth Knowing Event. Ms. York fights for the rights of those less fortunate. She read the proclamation into the record:

"Whereas: Marjorie York coordinates the International Day of Peace, a marquee event for the Miami Beach Botanical Garden, promoting peace amongst our diverse population through visual art showcases, a peace march with students from eight regional schools, a youth dialogue, and musical and theatrical performances every September; and

Whereas: Marjorie regularly plans numerous events on Miami Beach specifically related to children as Vice-President Of Public Relations for the Sunflower Society, a nonprofit organization that raises funds for art education and other noteworthy causes in our community; and

Whereas: Marjorie is a dynamic community activist, serving actively on over 24 boards, avidly promoting public awareness, planning community events and advocating for individuals who are low income, disabled, elderly or otherwise in need of assistance; and

Whereas: Marjorie is an exemplary member of our community embodying citizenship through her love and devotion to the residents and animals of Miami Beach, devoting much of her life to public service for South Florida.

Now, therefore, do we as the Mayor and Commissioners of the City of Miami Beach hereby proclaim April 27, 2016 as Marjorie York Day in the City of Miami Beach.”

Ms. York believes she is making a positive contribution to the community by being an activist. It is very gratifying to have so many people recognize her and her work. She invited everyone present to join her in arts and crafts at the City’s Botanical Garden.

Commissioner Alemán gave Marjorie a personal gift, consisting of yellow sunglasses.

Handouts or Reference Materials:

1. Email from Rafael Granado dated April 21, 2016 RE: Proclamation & Certificates – Marjorie York.
2. Email from Cilia Maria Ruiz-Paz dated April 26, 2016 RE: Proclamation Marjorie York.

5:14:13 p.m.

PA4 Certificate Of Recognition To Be Presented To The Miami Beach Seahawks Swimming Team, And Certificates Of Appreciation To Their MVPs: Chloe Gonzalez And Alexander Daybach.
(Sponsored by Commissioner John Elizabeth Alemán)

ACTION: Certificate of recognition presented.

Commissioner John Alemán read the Certificate into the record:

“This is for the Miami Beach Seahawks Swim Team. On behalf of the Mayor and Commission of the City of Miami Beach, I am proud to recognize the Miami Beach Seahawk Swim Team for their exemplary hard work and accomplishments competing at a professional level. The Seahawks Swim Team has provided a variety of aquatic activities for the City of Miami Beach for over 15 years. The swimmers and athletes come from a wide range of backgrounds and areas and represent a tremendous range of skills and abilities. From their Learn To Swim Program, to their Preteen Group, to their more advanced swim team and groups, the Miami Beach Seahawks do more than just teach residents to swim. They develop favorable social and professional skills for all of their swimmers based on discipline, commitment and dedication. In this spirit, head coach Sivory Sanchez, a graduate of Miami Beach Senior High and an avid and experienced swimmer himself has gone above and beyond the call of duty. He has trained nationally ranked swimmers and has annually led team members to qualify for National and Florida Gold Coast Junior Olympic competitions in representation of the City of Miami Beach. While many of the close to 60 swim team members thrive at local, regional, and national competitions, coach Sanchez currently has two outstanding athletes who Commissioner Alemán would like to personally congratulate today. She presented Certificates of Recognition to: Chloe Gonzalez, a Florida Gold Coast Junior Olympic finalist this year and a qualifier every year since 2012; Alexander Daybach is not only a

Florida Gold Coast Senior Championship qualifier this year, but also a Florida Gold Coast Junior Olympic finalist. He has qualified annually since 2012. She thanked Head Coach Sanchez and Coach Ramon Garcia for their dedication to the kids in this community, and congratulated Chloe and Alexander, who will represent Miami beach in July in the upcoming Florida Gold Coast Junior Olympics in Martin County and the Florida Gold Coast Senior Championships in Coral Springs this July.”

5:28:26 p.m.

PA5 Proclamation To Be Presented To Jimmy McMillion, North Beach Resident And City Employee; And Danny Hawk, North Beach Business Owner, For Their Bravery And Action Protecting The Miami Beach Community Against Crime.

(Sponsored by Vice-Mayor Micky Steinberg & Commissioner Kristen Rosen Gonzalez)

ACTION: Proclamation presented.

Vice-Mayor Steinberg explained that on March 22, 2016 a man attempted to rob the Eli-Mar Market Cafeteria on 71st Street while armed with a knife, and getting away with \$7. The assailant left through the backdoor, and it was then that Jimmy McMillion and Danny Hawk took action to apprehend the assailant, keeping him pinned down until the Police arrived. She thanked both McMillion and Hawk, and declared April 22, 2016 “Jimmy McMillion and Daniel Hawk Day in the City of Miami Beach.”

Commissioner Rosen Gonzalez thanked Jimmy McMillion and Danny Hawk for their actions, and stated that the City is fortunate to have them as members of the community. She introduced Luis Salom, who would like to speak to the City Commission.

Luis Salom thanked everyone on the City Commission, and stated it is an honor to speak on behalf of these two heroes, who are great role models for the youth.

5:23:25 p.m.

PA6 Certificates Of Recognition To Be Presented To Law Enforcement Officer Foundation's (LEO) Award Recipients And Nominees, And Officer Of The Month.

(Sponsored by Vice-Mayor Micky Steinberg)

ACTION: Certificates presented.

Chief Daniel Oates introduced Deputy Chief Laretta Hill, Chief of Staff Wendy Rich-Goldschmidt and Major Mark Causey to welcome the award recipients. He stated that this is the Annual Award and Recognition for Excellence in the Police profession. He named the finalists into the record: Analyst Samarlee AVECILLAS was nominated for the LEO Support Services Award for her extraordinary body of work in 2015 as a crime analyst for the Department; Detective Juan Sanchez was nominated for the LEO Specialized Services Award for his exceptional contributions to special victims and his invaluable liaison work with the LGBT Community; Sergeant Andy Lozano was nominated for the LEO Uniformed Services Award for his exceptional apprehensions of numerous dangerous suspects and his leadership in resolving so many important criminal investigations in 2015; Officer David Alvarez, who was unable to join us today, was honored Officer of the Month in May of last year, and was a finalist for Officer of the Year for Miami-Dade County. A special recognition is awarded to Officer Tina Serrano, for Officer of the Month in March. Some will recall an incident of a string of phony telephone calls regarding armed robberies in progress, which mobilized Police resources but depriving them to be used for legitimate

services. Officer Serrano responded to one of those telephone calls and successfully figured out who the individual calling was, and that resulted in this individual's arrest. Miami-Dade County Sergeants Phil Elmore and Roger Martinez received the LEO Uniformed Services Award for saving the life of a suicidal person who was about to jump to his death from a high-rise building; and Sergeant Colin Pfrogner received the LEO Crime Prevention/Community Policing Award For Career Achievement because of his volunteer work in supporting numerous and extremely worthy youth programs throughout Miami Beach. In addition, Officers Julio Blanco, Kendrick Brailsford, Reggie Horton, Tom Fleischhauer, Ralph Vera and Detective Luis Estopina were nominees of the Miami Beach Police Department for the 2015 LEO Awards. They represent a great Department, and he congratulated every one of them for the wonderful work they do.

5:32:59 p.m.

PA7 Proclamation To Be Presented In Honor Of Landscape Architecture Month.
(Sponsored by Commissioner Joy Malakoff)

ACTION: Proclamation presented.

Commissioner Malakoff called Deena Bell, Landscape Architect, who represents the City well in the Design Review Board, to accept the Proclamation. She explained that the profession of landscape architect enhances the built environment through skilled and artful creation of safe, functional and aesthetically pleasing, private and public places; and landscape architects are dedicated facilitators helping to lead the way toward the creation of a beautiful useful and environmentally sound communities, in which we can all live, work and play. Today the profession of landscape architect is being honored as it serves a unique and vital role in both green and development industries in the City of Miami Beach and contributes millions of dollars to the local economy annually. "Now, therefore do we, as Mayor and Commissioners of the City of Miami Beach hereby proclaim the month of April, 'Landscape Architecture Month.'" She thanked Ms. Bell for her service to the City.

Deena Bell thanked the City Commission and added that she enjoys serving as the City's Landscape Architect on the Design Review Board. They celebrate Landscape Architecture Month in April, because it is the founder of Landscape Architecture, Frederick Law Olmsted's birthday; he would have been 196 years old yesterday. The Landscape Architecture profession was founded in 1899. Mr. Olmsted is known for being the landscape architect who designed Central Park, and many other great parks during the early 1900s. She thanked the City Commission for honoring landscape architects.

5:35:28 p.m.

PA8 Proclamation To Be Presented In Observance Of Arbor Day In The City Of Miami Beach.
(Sponsored by Commissioner Joy Malakoff)

ACTION: Proclamation presented.

Commissioner Malakoff stated that the City had many celebrations already for Arbor Day. Arbor Day was proposed by Julius Sterling Morton to the Nebraska Board of Agriculture, so that a special day would be set aside for the planting of trees. Arbor Day is now observed throughout the nation and the world, and wherever they are planted, trees are a source of joy and spiritual renewal. In these days, we know that trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen and provide habitat for wildlife. Trees are the renewable source providing paper

and wood for our homes, furnishing and countless other wood products. Trees increase property value, enhance the economic vitality of business areas and truly beautify the community. Therefore, it is her great honor to proclaim April 29, 2016 as Arbor Day. She called Mark Williams, City's Urban Forester and Marianne Nation, Co-President of the Miami Beach Garden Club, which was founded in 1927 and has been beautifying the City ever since; she is also Board Member of the Miami Beach Botanical Garden. She also introduced Marty Mueller, President of the Board of Directors of the Miami Beach Garden Center Conservancy.

Mark Williams stated that it is an honor and a pleasure to serve as the Forester for the City. He added that no one can underestimate the value trees have, both as a social, economic and environmental, in terms of benefits. The more trees that can be planted, the better off they are, not just for them, but for future generations as well.

Commissioner Malakoff added that the City recently had a tree giveaway, which was extremely successful, so much so, that in another six months there will be another event. She urged residents to be on the lookout for the notices, because the trees are beautiful and there were some smaller plants suitable for condominiums and apartments.

5:18:01 p.m.

- PA9 Certificates Of Appreciation To Be Presented To The Fienberg Fisher Rock Ensemble Who Performed At The Friends Of Fienberg Fisher Event.
(Sponsored by Vice-Mayor Micky Steinberg)

ACTION: Certificates presented.

Vice-Mayor Steinberg explained that the students did such a wonderful performance at the recent Friends of Feinberg Fisher event that she wanted to acknowledge them for their time and outstanding musical. She also recognized their teacher, Arnaldo Paseiro, for doing such a wonderful job. She hopes that when they go on to High School they continue in the Rock Ensemble at Miami Beach High School. She called the students: Estelle Morales, Daniela Gutierrez, Melanie Verbeke, Elizabeth Balado, Paola Serrano, Honimae Cuba, Liana Adaza, Victoria Nava, Shamarie Garcia-Perez, Alaysha Figueroa and Kylie Castillo. They represent Feinberg Fisher School wonderfully.

Music Teacher Arnaldo Paseiro stated that it is a pleasure working with these students, because not only are they talented musically, but they are stellar academic performers in the classroom as well.

5:39:21 p.m.

New Item

- PA10 Proclamation To Be Presented To Mike Alvarez For Years Of Service In The City Of Miami Beach.
(Requested by Commissioner Joy Malakoff)

ACTION: Proclamation presented.

Commissioner Malakoff read the proclamation into the record: "Mike Alvarez is an exemplary employee at the Public Works Department of the City of Miami Beach. He was the lead Public Works Coordinator in the American Public Works Association Reaccreditation in June 2011, and again in June 2015, making the City's Public Work Department the 42nd accredited agency out of

27,000 in North America, and the third agency out of 1,900 in the State of Florida. In 2013, The American Public Works Association announced two groups of National Public Works Leadership Fellows, including Mike Alvarez. He was awarded the designation because of his accomplishments in Public Works and contributions he made to the profession throughout his career. Mike Alvarez has been on call 24 hours a day, seven days a week, always going above and beyond what was expected of him. She has called on him, as well as other elected officials have, and he responds immediately. However, now he has retired as of March 25, 2016, after over 20 years of outstanding service. Now therefore do we as Mayor and Commissioners of the City of Miami Beach hereby proclaim April 27, 2016 as Mike Alvarez Day.”

Mayor Levine informed that when he was elected in 2013, they had additional meetings and they knew that they had an incredible challenge ahead of them because of sea level rise. Mike really stood up and was there through it all, so he thanked Mike Alvarez for his great ideas, innovations, work ethics and everything he put into making the City that much more resilient, on behalf of the City of Miami Beach.

Mike Alvarez thanked the City Commission and added that these 21 years have been challenging but rewarding with the City, past and present Administration; and this is not just about him, but about the entire Public Works Department family, from his operation with 100+ staff members to Engineering, to Sanitation Division, to Fleet Management, to Property Management and to Greenspace, so he is accepting this recognition, not only under Mike Alvarez, but under the Public Works family.

Eric Carpenter, Assistant City Manager and Public Works Director, thanked the City Commission for the opportunity to recognize such an exemplary employee for the last 20 years. He only had the pleasure of working with Mike for the last three years, but every single time he called Mike, he always answered the telephone, and always gave 110% of everything he had; he will be missed greatly.

Handouts or Reference Materials:

1. Email from Tathiane Trofino dated April 25, 2016 RE: April 27 Presentation and Awards Meeting.

REGULAR AGENDA**R5 - Ordinances****5:44:36 p.m.**

R5A An Ordinance Amending Miami Beach City Code Chapter 2, Article VII, Division 2 Entitled "Officers, Employees And Agency Members", Adding Thereto Section 2-461 Entitled "Disclosure By City Commission Members Of Solicitation On Behalf Of Nonprofit Organization," Requiring City Commission Members Who Solicit Gifts On Behalf Of A Nonprofit Organization From A Vendor, Lobbyist On A Procurement Issue, Real Estate Developer And/Or Lobbyist On A Real Estate Development Issue, To Disclose The Date Of Solicitation And Name Of Individual Solicited, Disclosure To Be Filed In City Clerk's Office; Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading**

(Sponsored by Commissioner Kristen Rosen Gonzalez)

(Legislative Tracking: Office of the City Attorney)

(Deferred from April 13, 2016 - R5H)

ACTION: Title of the Ordinance read into the record. **Ordinance adopted on first reading as amended.** Motion made by Commissioner Alemán; seconded by Commissioner Malakoff; Ballot-vote: 7-0. Second reading, public hearing scheduled for May 11, 2016. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda. **Office of the City Attorney to handle.**

Amendment:

- ✓ Amend Section 2-461(c)2 of the Ordinance, under the definition of nonprofit organizations, which is currently defined as organizations organized under Chapter 501(c)(3) of the Internal Revenue Code, include organizations organized under 501(c)4 of the Internal Revenue Code.

Commissioner Rosen Gonzalez explained that this is a simple Ordinance, and explained that as elected officials, they have to disclose gifts on a quarterly basis. This legislation says that if elected officials solicit contributions to any nonprofit group, they are also going to disclose that, because in some cases, an elected official could have a foundation or an account and solicit donations, use the donations to give parties to potential voters, and it all gets very messy; she think this would be an item that would improve transparency in the community.

Commissioner Arriola stated that this is a great idea.

Vice-Mayor Steinberg is fully supportive of the item, but suggested deferring action for at least two weeks until the May 11, 2016 Commission Meeting, since she wants to add language to make the Ordinance stronger. She asked Commissioner Rosen Gonzalez if she is in favor of delaying for two weeks.

Discussion held.

Commissioner Rosen Gonzalez is in favor of deferring the item until the next Commission Meeting for further tweaking.

Commissioner Grieco has reservations, but he has no problem voting for the item on first reading. He cannot recall there being any record or any allegation or issues regarding this and he has spoken to the City Attorney on the legality of the issue. When they discuss disclosure and solicitations, there has to be a record in order to create some sort of nexus and not just to pass ethics Ordinances for the sake of saying that they have done so. There is the legal issue and the concern about the chilling effect. Many people on the dais raise money for different organizations;

Mayor Levine raises money for Best Buddies, Commissioner Arriola raises money for Adrienne Arsht Center for the Performing Arts of Miami-Dade; Vice-Mayor Steinberg raises money for Big Brothers Big Sisters, and he raises money for Miami Children's Hospital. He is concerned because if he called someone to raise money for the hospital, prior to this passing, they do not have their name blasted all over the place as to how much they contributed, but because he solicited the contribution, now they would have to become part of a record. He does not see a nexus there. It is not like campaign contributions, which was the issue last year, and there was at least an allegation that that was put on blast and they heard about it in the news; and a conversation needed to take place. Everybody is afraid to vote against ethics, but this is not about ethics if nobody has been accused of violating any ethics.

Commissioner Malakoff is in favor of the item. Disclosures are very important, specifically because this is only solicitations on behalf of nonprofits that are from a vendor, lobbyist on a procurement issue; real estate developer and/or lobbyist on a real estate development issue. It is not from friends who have been solicited to donate for Relay for Life, for example; however, to ask a lobbyist who has been involved in a real estate development deal, for transparency, those disclosures should be made.

Discussion held.

Commissioner Rosen Gonzalez clarified, in answering Commissioner Grieco's questions, that this Ordinance only cites solicitation from developers and realtors; but they should not use foundations to hide money. These contributions can also be used to influence the electorate, and she thinks it is a solid, transparent legislation.

Discussion continued.

Commissioner Grieco stated that people are afraid to talk about ethic issues and added that he will vote in support; however, he suggested having a real conversation.

Motion made by Commissioner Alemán to move the item. She stated that transparency builds trust between the community and the City Commission, and again as Commissioner Malakoff pointed out, this is disclosure about donations from a specific group that has business with the City; seconded by Commissioner Malakoff.

Raul J. Aguila, City Attorney, clarified that before voting on the item, there was one amendment that Commissioner Rosen Gonzalez requested that he read into the record; which is an amendment to Section 2-461(c) 2 of the Ordinance, where it says under the definition of nonprofit organizations, which is currently defined as organizations organized under Chapter 501(c) (3) of the Internal Revenue Code, Commissioner Rosen Gonzalez also wanted to include organizations organized under 501(c) 4 of the Internal Revenue Code.

Discussion held.

Motion was made by Commissioner Alemán; seconded by Commissioner Malakoff to approve the Ordinance on first reading as amended. Ballot vote: 7-0. Ordinance passes on first reading.

5:54:39 p.m.

- R5B An Ordinance Amending Miami Beach City Code Chapter 2, Article VII, Division 5, Entitled "Campaign Finance Reform," By Adding Thereto Section 2-491 Entitled "Prohibited Lobbying By Campaign Consultants," Prohibiting Campaign Consultants And Certain Affiliated Persons Or Entities From Lobbying City Commission For 12 Months Subsequent To Swearing In Of Subject Elected Official(s), Establishing Definitions, And Limited Exemption; Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading**
(Sponsored by Commissioner Kristen Rosen Gonzalez)
(Legislative Tracking: Office of the City Attorney)

ACTION: Title of the Ordinance read into the record. **Ordinance not adopted on first reading.** The item was deferred by acclamation to the **June 8, 2016** City Commission Meeting for first reading with the recommendations below. Lilia Cardillo to place on the Commission Agenda, if received. **Office of the City Attorney to handle.**

RECOMMENDATIONS:

- 1) Narrowly tailor an Ordinance to prohibit Campaign Consultants from lobbying the City Commission; but not an absolute prohibition to lobbying the City.
- 2) Length of prohibition of up to 12 months.
- 3) Have a compelling governmental interest, to avoid perception of quid pro-quo.
- 4) Consider requirement for elected officials to recuse themselves when lobbyists have provided campaign-consulting services.
- 5) Bring Ordinance on first reading to the **June 8, 2016** Commission Meeting
- 6) City Commissioners to add input. **Office of the City Attorney to handle.**

Commissioner Rosen Gonzalez explained that the City Charter states that when an elected official leaves office, they have to wait two years before they can lobby, and because relationships matter, they create influences and the appearance of influence, which is worth money. That is why certain lobbyists peddle that appearance of influence, they capitalize on it, they see this as a perceived influence, whether there is any or not, and those come from relationships. If an elected official cannot lobby for two years after leaving office, why should it be any different for campaign consultants? Campaign consultants are welcomed in the City to come and run the best possible campaign they can, but not lobby once they get certain people elected. Campaign consulting and lobbying should be mutually exclusive on Miami Beach. This is the right thing to do. The only person that benefits from this is the lobbyist. Developers, vendors and residents lose, and the City loses money; but lobbyists pockets grow fatter, while they gain more influence, become more powerful and they sell more of this perceived influence. She would like to remove this from the City. A precedent can be set tonight and the City should be the model in Ethics and Transparency for Miami-Dade County. They should allow people that want to do business with the City meet directly with City officials, and they should all have an open door policy. To meet with her no one should go through a lobbyist. She suggested adopting the Ordinance and sending a strong message that Miami Beach is a fair and ethical place to do business. The City has existing fair hiring practices; she suggested having fair lobbying practices as well, and drawing a line in the sand between when campaigns end and when governing begins.

Commissioner Arriola is sensitive to Commissioner Rosen Gonzalez's sentiments. He thinks the vast majority of the public in the City pride themselves in clean government; that is the expectation that the public has of them, and it is the elected official's obligation to make sure that residents feel at all times that their government is acting ethically and with the public's best interest at heart. Anything they can do to enhance that feeling of sentiment on this issue he wants to explore, but campaign consultants, at the front end of the campaign, make such little money, that there must be an exemption in the Ordinance, if there is no fee. He is struggling with how to

get to where Commissioner Rosen Gonzalez wants to go.

Commissioner Alemán stated that this Ordinance is not just about transparency. If the issue is disclosing who your campaign consultant is, or when they lobby elected officials, for one thing, every elected official calendar is public record.

Discussion held.

Commissioner Alemán added that, in her opinion, good consultants are required to help get candidates elected, in order to have the best representation on the dais to serve the community. Also good strategic projects drive a lot of change, and can be very difficult for the community and the City Commission; those require good explanations. She wants the best possible talented people working on both sides of the equation. It is important for them to elect leaders that they trust. There is a certain element of trust, no matter what they legislate. The individuals at the dais are intelligent and dedicated to the community, this is a volunteer effort, they are sacrificing their time, and it is true public service. She believes, although they do not always agree on what is best for the community, that they are all here for the right reasons.

Commissioner Malakoff agreed with Commissioner Alemán. She meets with everyone and she has an open door policy. She has voted against lobbyist who may have been campaign consultants on a regular basis. She must say that each item that comes before the City Commission, she personally thinks that although they get information from lobbyists on a frequent basis, each Commissioner and the Mayor look at both sides and vote for what they think is right for the City of Miami Beach. She thinks that is how they earn the public's trust.

Vice-Mayor Steinberg explained that in January, she supported this effort and still believes it is a good Ordinance, and she will support it; however, Commissioner Arriola is concerned about having loopholes. She agrees that the Ordinance has to be drafted in a way that states the intent necessary. This is not about people coming to see elected officials because of an open door policy; she is supportive of the issue, but is seeking suggestions from her colleagues on where they want to go with it.

Commissioner Arriola added that everyone wants good government and ethics reform. With this definition, it is easy to find a loophole. His campaign consultant received such a miniscule fee, and they make so much money in other ways in City government lobbying, that they could easily consult campaigns for free. Therefore, campaign consultants would be excluded from this; so there are some new ways around this that he does not think this definition will get them to where they have got to go.

Raul J. Aguila, City Attorney, explained that the right to lobby is not an absolute right, but there are First Amendment issues that are implicated, because this affects livelihood, it also to an extent, affects an individual's right to political expression. In 2009, the City Attorney opined, and he agrees with that opinion, that in order for this type of Ordinances to be sustainable, because of the First Amendment issues involved, the Ordinance has to be: 1) it has to be narrowly drafted, and 2) it has to further a compelling governmental interest. As Commissioner Rosen Gonzalez stated, the compelling governmental interest is to avoid any perception of quid pro-quo that could come as a result of somebody who has been a campaign consultant, and is subsequently lobbying a City Commissioner that they provided services for, but one of the things they cannot do is broaden the definition to include those individuals that provide campaign consultant services on a voluntary basis, because that is the essence of political expression; he thinks that would subject the Ordinance to a constitutional challenge. There are other options the City Commission could consider, such as the idea of a requirement of an elected official to recuse themselves when a

lobbyist who has provided campaign-consulting services appears before them. There may be logistical issues with that, because at times it may result in a lack of a quorum, but what they can try to do is: 1) Narrowly tailor this Ordinance so that it only prohibits a lobbyist from lobbying the City Commission; it is not an absolute prohibition to lobbying; the idea is that the campaign consultant, if they provide campaign consulting services and subsequently lobby, then the prohibition would be relevant with the City Commission. 2) The length of the prohibition. Previous prohibitions the City has adopted (with regard to board members that are restricted from lobbying for a period of 12 months before their own board after they leave); they need to have a defined period for that. His recommendation is to do 12 months. Finally, this is only related to campaign consultants who provided services in the immediately preceding election cycle, and there would be a limited exemption for contracts that were entered into prior to the adoption of this legislation. They do that for due process issues and because lobbyists do not know that this is being adopted and it would not impair any contracts they have entered into. This is the rationale behind this Ordinance, and the reason that it is so narrowly drafted. If this City Commission directs the Office of the City Attorney to explore other options, they can do that, but they cannot really expand the definition; the narrower they keep it, the better, as when they passed the Campaign Finance law.

Mayor Levine asked if the City Commission is legally allowed to ban all lobbying in the City of Miami Beach.

Mr. Aguila answered that as Commissioner Grieco mentioned in the last Ordinance, that record support is very important. Obviously, this is a prophylactic measure. The City would have to justify why they are just doing an absolute ban on all lobbying in the City, because it does implicate First Amendment speech issues.

Discussion continued.

Mr. Aguila added that as Commissioner Rosen Gonzalez stated this is a perception issue, because there is no record of obvious actual corruption. If they can accomplish the same thing through the disclosure requirement, as discussed when the Campaign Finance Reform Legislation was adopted, they felt, given the record in that case, that they could go further and do a prohibition, but if the desire of the City Commission is to do a disclosure requirement, then that is always more legally supportive, because it infringes less upon the rights of the individual.

Mayor Levine explained that this is for everyone in the public to see that a lobbyist is a former campaign consultant, and if there is an issue, the public can put it together.

Commissioner Rosen Gonzalez stated that campaign consultants are motivated to run certain campaigns and have this perceived influence. This is not about the elected officials; it is about lobbyists. The City Commission works hard; they love the community and have the highest ethical standard, which is why they should vote in favor of this Ordinance, as it was done in the City of San Francisco.

Mayor Levine clarified that there are two options; call the question and see if Commissioner Rosen Gonzalez has a second vote; or bring it back next month; have the City Attorney work on the language and include input from colleagues and bring it back in June potentially as a first step.

Vice-Mayor Steinberg stated that she is in support of the item, but there does not seem to be consensus at the dais to move forward; and instead of deferring the item today, she asked if they could continue to work on drafting the language.

Discussion continued regarding date for Ordinance to come back in June.

Raul J. Aguila, Esq., asked for direction; does the City Commission want to come back with a disclosure requirement instead of an absolute prohibition?

Commissioner Rosen Gonzalez suggested, if this Ordinance is coming back in June, to refine language with input from her colleagues.

Discussion continued.

Commissioner Alemán is in support of the Ordinance if it is drafted for transparency and disclosure.

Discussion held.

Commissioner Rosen Gonzalez stated that they should take a stand, and show the rest of the State of Florida that this is distasteful. That is why they have issues with FPL, because of campaign contributions. They should definitely take a stand here in Miami Beach.

Mayor Levine requested deferring the item to the June Commission Meeting.

Commissioner Arriola suggested giving their comments to the City Attorney.

Rafael E. Granado, City Clerk, clarified that the item will be deferred to the June Commission Agenda, by acclamation. **Office of the City Attorney to handle.**

City Clerk's Note:

City Clerk Rafael E. Granado stated, for the record, that because of *The Miami Herald* deadline, this item would appear in an advertisement on the Sunday's Neighbors Section as having been approved at first reading, and having a second reading on May 11, 2016. The Office of the City Clerk had to submit the advertisement to *The Miami Herald* prior to today's meeting. Notations as to the deferral of this Ordinance will be made.

R7 - Resolutions

6:15:16 p.m.

R7A A Resolution Accepting A Donation In The Amount Of \$10,000.00 From The Miami Beach Education Foundation, Inc., From Proceeds Of The Miami Beach Chamber Of Commerce's Annual Golf Tournament, To Be Utilized By The City Of Miami Beach's International Baccalaureate ("IB") Educational Program, And Appropriating The \$10,000.00 Donation To The City's IB Program.

(Organizational Development Performance Initiatives)

ACTION: Resolution 2016-29377 adopted. Motion made by Commissioner Alemán; seconded by Vice-Mayor Steinberg to accept the donation. Voice vote: 7-0. **Dr. Leslie Rosenfeld to handle.**

City Manager Morales explained that at the last Commission Meeting, the Miami Beach Chamber of Commerce and the Education Foundation presented a check to the City, and this is the legal formality to accept that donation for the use of the IB program.

6:15:51 p.m.

SUPPLEMENTAL MATERIAL 1: MEMORANDUM AND ATTACHMENTS
SUPPLEMENTAL MATERIAL 2: REVISED MEMORANDUM AND RESOLUTION

R7B A Resolution Accepting The Recommendation Of The City Manager, To Award, Pursuant To RFP No. 2016-062-KB, The Design Build Contract For The West Avenue Bridge Over Collins Canal To Bergeron Land Development Inc. (Bergeron), In The Not To Exceed Amount Of \$9,930,000; And Further Authorizing The Mayor And City Clerk To Execute The Design Build Agreement With Bergeron, Which Agreement Shall Be In Substantial Form To The Contract Attached Hereto As Exhibit 1.

(Procurement/Public Works)
(Deferred from April 13, 2016 - R7O)

ACTION: Resolution 2016-29378 adopted. Motion made by Commissioner Malakoff; seconded by Commissioner Grieco to adopt the resolution. Voice vote: 7-0. **Alex Denis and Eric Carpenter to handle.**

Eric Carpenter, Assistant City Manager and Public Works Director, informed that they have gone through the procurement process, they got a single bidder, but felt the bidder gave the City an inflated price. They were able to renegotiate with them, and through value engineering, were able to cut more than \$5 million off the price of the contract and still accomplish what the original design intended. This is now a good project for the City at a reasonable price and they want to move forward with this project.

Vice-Mayor Steinberg explained that when she hears that they were able to negotiate and get a \$5 million savings that they should have obtained in the first place, it makes her wonder where else could they be saving. That is a great deal of money.

Mr. Carpenter explained that they removed from the scope of work about half a million dollars' worth of seawall work, but the biggest difference was in discussing with the contractor, their designer, and the City's engineering team, and look at all the different components and what was adding cost to the project. Certain things were adding a significant amount of cost to the project that did not add benefits, for example, requiring a semi-truck to turn on Dade Boulevard onto West Avenue at the bridge; if a semi-truck is going to use West Avenue, they are going to go up 17th Street and turn right. Why would they turn on the bridge? Also they were able to lower the height of the bridge by six inches, because the navigability of the waterway, it does not make sense to have the bridge six inches higher than the bridge of 150 feet away on Alton Road. All of these design criteria came from the original consultant and they were able to catch many things; however, there are things they unfortunately missed, but were able to improve the project at a reasonable price.

Discussion held.

Mr. Carpenter added, in answering Commissioner Malakoff's question, that there is a pedestrian bridge as well. There are three components to the project, the bridge itself and the intersection at Dade Boulevard and West Avenue; there is the Dade Boulevard component between Bay Road in the first Venetian Bridge; and then there is the pedestrian bridge from Lincoln Court over to Dade Boulevard; these are the three components of this contract, and they were able to reduce the price of all three components most significantly on the bridge.

Commissioner Rosen Gonzalez congratulated Mr. Carpenter, and stated she hopes they can do the same with every project.

Commissioner Malakoff moved the item; seconded by Commissioner Grieco. Voice vote: 7-0.

Vice-Mayor Steinberg thanked Mr. Carpenter for going back and coming up with costs savings ideas, but she requested for this City Commission to set this precedent moving forward, so that all City contracts are be held to this standard.

Discussion held.

Commissioner Alemán explained that the first time they voted on this item, there were a significant number of vendors entertained to bid. Because of the schedule constraints written in, one bidder responded. She suggested that when the City finds themselves in this situation again, and because of the amount of emails from residents to move this item forward, and the fact that the vendor did reduced costs to a reasonable price for this bridge, she voted for the item, but in the future, when issuing an RFP to 50 vendors and one response is received, staff must recognize that something is wrong with the bid and must recognize the need to reevaluate. The City has to have competition to be able to get the best value and the best price. She feels that the City got the right value in the end, but she is deeply concerned about that factor.

6:23:11 p.m.

Mayor Levine recognized County Commissioner Jose "Pepe" Díaz in the audience.

6:35:33 p.m.

ADDENDUM MATERIAL 1:

R7C A Resolution Consenting To The Appointment Of Cintya G. Ramos As The Director Of The Budget And Performance Improvement Director For The City Of Miami Beach.
(Human Resources)

ACTION: Resolution 2016-29379 adopted. Motion made by Commissioner Grieco; seconded by Commissioner Alemán to adopt the resolution consenting to the appointment of Cintya G. Ramos. Voice vote: 7-0. **Sylvia Crespo-Tabak to handle.**

Jimmy L. Morales, City Manager, stated that recently the City lost its Budget Director to the City of San Antonio, were his hometown is. The Administration searched, not only in the local, but also in the national market, and was able to identify an individual who is originally from New York City, but has spent her academic and professional life in the City of Philadelphia. She recently served as Deputy Budget Director for the City of Philadelphia, where she was involved with an \$8.1 billion budget. She worked on writing the City's Five-Year Financial Strategic Plan, oversaw the Budget Hearing Process and guided their Citywide performance management efforts. They are fortunate to lure her away from Philadelphia to Miami Beach. He introduced his appointment of Cintya Ramos, as the new Budget and Performance Improvement Director.

Cintya Ramos, Budget and Performance Improvement Director, thanked the City Manager, Mayor Levine and City Commissioners, for their consideration and this wonderful opportunity. She is looking forward to working with the elected officials and City staff and is excited to get started.

Vice-Mayor Steinberg met with Ms. Ramos today and she has an impressive resume; it is great to see women in strong positions. She wished her good luck and congratulated her on her new position.

Motion made by Commissioner Grieco; seconded by Commissioner Alemán. Voice vote: 7-0.

R9 - New Business and Commission Requests**6:22:53 p.m.**

R9A 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)

(Deferred from April 13, 2016 - R9K)

ACTION: Discussion held. Item referred. Motion made by Commissioner Rosen Gonzalez to refer the item to the May 13, 2016 Neighborhood/Community Affairs Committee (NCAC) meeting; seconded by Commissioner Arriola. Voice vote: 7-0. **Morgan Goldberg to place on the committee agenda. Jeff Oris to handle.**

REFERRAL:

Neighborhood/Community Affairs Committee

Mitch Novick stated that for several years he has witnessed the quality of life deterioration in the MXE neighborhood. The MXE zoning was intended to revitalize the Art Deco District, but instead it has turned it into a "circus" atmosphere 24 hours a day, which was never anticipated and is entirely unacceptable. During these years, he has personally witnessed stabbings, public urination, public drunkenness, sexual assault, prostitution, robberies, etc. He has attended various Ocean Drive Task Force meetings and studied these issues; he has doubts that the problems that plague the areas from 5th to 15th Streets will go away on their own. Due to the continued degradation of this neighborhood, several department stores have left, and have been replaced by vacancies, t-shirt shops, pizza shops, liquor stores, tattoo parlors, smoke shops and other convenient stores. As a hotelier, he explained that many visitors have found safer travel destinations, and are now avoiding Miami Beach all together. He asked the City to hire more Police and Code Officers. He complained about the City's reduction of Lummus Park by widening the asphalt by 15 feet. He proposed his five-point plan: 1) begin enforcement of vehicular noise violation; 2) amend the Noise Ordinance as it relates to Ocean Drive; 3) revisit the MXE Zoning and possibly change it to MXH (hotels) or MXR (residential); 4) preclude additional entertainment establishments and grandfather-in existing establishments, so long as they reduce their noise level; and 5) limit table coverage on the right of way.

Commissioner Rosen Gonzalez stated that she would like to enforce vehicular noises.

Mayor Levine and Vice-Mayor Steinberg agreed, and shared their personal experiences with vehicles playing excessively loud music.

Mayor Levine asked for this item to be referred to the NCAC.

Mitch Novick stated that dealing with noise is the way to stop the problem at the root. He proposed amending the noise violation Ordinance.

Commissioner Rosen Gonzalez stated that the Noise Ordinance has to be enforced at the County level.

Discussion held regarding vehicular noise.

Commissioner Arriola provided his own experience where a deli was unnecessarily blasting

music at 9:00 a.m. He is sympathetic to this issue, and asked Mr. Novick to be patient while they work on this issue.

6:37:56 p.m.

R9B Discussion Regarding Floatopia And Related Viral Unsanctioned Events.
(Sponsored by Commissioner Michael Grieco)

ACTION: Discussion held. Item heard in conjunction with Items R9D and R9F. Motion made by Commissioner Grieco to direct the City Manager and City Attorney to bring a comprehensive Ordinance without referring the item to committee; seconded by Vice-Mayor Steinberg; Voice vote: 7-0. Rafael E. Granado to notice. Lilia Cardillo to place on the City Commission Agenda if received. **Office of the City Attorney to handle.**

RECOMMENDATION:

- Create Blue Ribbon Panel chaired by Commissioner Arriola
- Bring back an Ordinance on first reading on May 11, 2016
- Start a social media campaign

Commissioner Grieco stated that this is an opportunity to look at all high impact weekends or “flash” events such as Spring Break, Memorial Day and Floatopia. These events are partially planned, but their sheer size have made them difficult to control, and are draining the City of funds required for policing, clean-up, traffic plans, and rescue. He shared his experience during the Floatopia event, where he saw a rescue vehicle stuck in traffic and resorted to driving over the median, and almost got into a head-on collision. He highlighted that people can die during these types of situations where the volume of people is out of control. He got in touch with the organizer of Floatopia, and she was sympathetic to the City’s trouble with the event that was at one time welcome. He proposed to give the City Manager the necessary tools to make decisions in real-time to ensure the safety of residents and guests. The City Commission needs to do anything and everything to protect the people of this City.

Mayor Levine requested putting together a Blue Ribbon Panel chaired by Commissioner Arriola, including residents of the community to discuss, not just Floatopia, but all large events in the City.

City Manager Morales stated that the focus is on finding a middle ground between closing the beach entirely as was done in Santa Barbara, California, or invest more City funds at these events. The City was prepared to receive approximately 60,000 people for the Floatopia event, but the problem arose when over 100,000 people participated in the event. His recommendation is to have Administration work with the Office of the City Attorney to draft an Ordinance that outlines various extraordinary authorities in extraordinary times, to be used on an ad-hoc basis depending on the time and event, and bring back for first and second reading. He added that as everyone knows, the beach technically belongs to the State, with the County managing the portion of the dunes to some degree. The City has recently amended the Beach Management Plan with the Division of Land and DEP. The amended plan is on the Division of Land’s (DOL) agenda for discussion in June 2016. The Administration has had conversations with DOL and they are willing to consider some additional amendments to that plan, which will include language added in the Ordinance to be drafted, and outlines whether it is the right to ban floats, coolers, tents, etc. He recommends coming back for first and second reading on time to present it on June 7, 2016 to the State, and by then they will have the legal framework, both under the Beach Management Plan and the Ordinance, to control crowds, and allow for effective Police and Code enforcement.

Commissioner Arriola stated that he was presented with a nine-point plan that looks solid. He

also met with Police Chief Oates and discussed adding language to the Ordinance in order to give additional Police authority for these events, which the Police Chief does not have currently have, during these public and safety matters. They should have the draft within 30 days.

Commissioner Malakoff requested limiting access at the beach entrances, so coolers and alcohol could be prohibited.

City Manager Morales addressed a possible occupancy limit with bathers. He explained how there were over 200 rescues that took place during Floatopia. It is a real safety issue.

Commissioner Alemán asked if the license plate readers the City uses on the causeways could count the amount of cars during high impact events, and have a threshold of the number of visitors so the City can be aware of how many people are currently in the City.

Vice-Mayor Steinberg stated that during any event there are a number of unforeseen actions that occur due to crowds or weather. She wants the City to be prepared on all events, not just the major ones. She added her support of an Ordinance that addresses these issues.

Commissioner Grieco compared the City's actions with the basketball term: "fake hustle," because there is a great deal of talk on what can be done better, but very little action. The Miami Beach residents want to see action on this issue. He asked the City Attorney and City Manager to come back with a comprehensive Ordinance, which will give the City the necessary powers to deal with high volume events. He does not want a Blue Ribbon panel on this issue, nor does he want the item referred to committee.

Motion by Commissioner Grieco to direct the City Manager and City Attorney to bring an Ordinance without referring the item to committee; seconded by Vice-Mayor Steinberg; Voice vote: 7-0.

City Manager Morales suggested bringing the item back for first reading on May 11, 2016, and schedule a second reading on May 18, 2016 so that it can be ready to be presented to the State legislature in June.

City Clerk's Note: At the request of the Office of the City Attorney, second reading has been scheduled for the City Commission meeting of June 8, 2016, and the proposal will be presented to the State on June 17, 2016.

Discussion continued.

Larry Colin asked the City to take legal actions against organizations such as Floatopia. He understands that it will cost money, but it will give the City a reputation of being difficult in dealing with such matters.

Handouts and Reference Materials:

1. Email from Debora Turner, Office of the City Attorney, dated May 2, 2016 requesting the Second Reading change from May 18, 2016 to June 8, 2016.
2. Email from Frank Del Vecchio fdelvecchio@atlanticbb.net dated April 26, 2016 RE: "Floatopia"/Beach Management Ordinance.
3. Email from David Arditi david@ariadevelopmentgroup.com dated April 25, 2016 RE: Register to Speak, Agenda Items R9B, R9D, R9F: "Floatopia" and High-Impact Beach Events, April 27 CC Meeting.
4. Email from Keith Marks Keith.Marks@elliman.com dated April 23, 2016 RE: Register to Speak,

- Agenda Items R9B, R9D, R9F: "Floatopia" and High-Impact Beach Events, April 27 CC Meeting.
5. Email from Debora Turner dated May 2, 2016 RE: Item R9B P&A meeting of April 27.

6:53:55 p.m.

R9C Discuss Request To Revisit The Air And Sea Show Scheduled To Come To Miami Beach, Memorial Day Weekend 2017.

(Sponsored by Commissioner Joy Malakoff)

ACTION: Discussion held. **Max Sklar to handle.**

Commissioner Malakoff stated that the City's physical infrastructure could not handle the volume of traffic and parking during Floatopia. The City cannot invite the Air and Sea Show on Memorial Day Weekend, when the normal Memorial Day Weekend crowd will be in town as well as the World OutGames. She believes the City Commission made a mistake when it voted in favor of this event.

Commissioner Grieco sponsored the Air and Sea Show item when it was approved in December. He does not believe this event can be compared to Floatopia, when Floatopia was an unsanctioned, unapproved and uncoordinated event. For the past 16 years during Memorial Day Weekend, Miami Beach residents have been fleeing the City. This is a family friendly event that will honor our nation's heroes. He reminded the City Commission that the City entered into a contract with the vendor.

Jose "Pepe" Diaz, County Commissioner, agreed with Commissioner Grieco; and stated that he wholeheartedly supports this event, and believes it will run as smoothly as the City's Centennial celebration. Memorial Day is about the people in the Armed Forces who never made it back home, and he has a personal interest in this event going well, because he has lost many friends who were in the military, and would like to honor them as well as all the troops.

Commissioner Rosen Gonzalez is not in agreement with bringing the event to Miami Beach. The residents will be annoyed at the terrible noise and will flee the City. She stated that her opposition to the event has nothing to do with her support for the Armed Forces, as she strongly supports the troops.

Raul J. Aguila, City Attorney, advised the City Commission that this is something Commissioner Malakoff brought to his attention some time ago. When the City entered into the Air and Sea Show contract, it included a termination without cause clause after the first year of the event. The City is contractually bound to have this event. He hopes the City Commission directs the City Manager to bring those submissions so the event goes seamlessly. He explained how there are milestones the event coordinators need to provide the City with information.

Mayor Levine asked what the liability damage would be if the City decided not to go forward with the event.

Mr. Aguila stated that he cannot answer the Mayor's question, and urged the City Commission not to have this discussion, because it refers to breach of contract.

Commissioner Alemán explained how she has not been in the City for Memorial Day Weekend for six years. She intends to attend this event with her family. She added that she gets upset when people complain that the airplanes during these types of shows are too loud and reminded everyone there that these planes are the "sounds of freedom."

Vice-Mayor Steinberg clarified that her vote against this item has nothing to do with honoring veterans; her concern is with the magnitude of the event, and whether our residents' safety could be guaranteed.

Commissioner Arriola agreed with Vice-Mayor Steinberg. This is not a question about patriotism; it is a commercial event, and a City event. He too is concerned for the residents during Memorial Day Weekend.

Mayor Levine stated that he voted in favor of the Air and Sea Show in December of last year. He echoed Vice-Mayor Steinberg and Commissioner Arriola's sentiments. This is a great commercial venture, it is business, and he understands that this is not sponsored or put on by the United States government. The community is concerned about the event, and he hopes there is a way to relieve the concern that has been enhanced with the terrible result of Floatopia.

City Manager Morales suggested putting down a list of items that the County can help with, such as partly funding Police, Fire/Rescue and sanitation. **Office of the City Manager to handle.**

County Commissioner Diaz disagreed with Commissioner Arriola's statement. He agrees that although the Air and Sea Show is a business, it has links with the U.S. military, which is precisely what Memorial Day celebrates. It is a patriotic event meant to honor the men and women in the Armed Forces, and it means much to those viewing the show. He added that many of the planes and ships are voluntarily brought to the Air and Sea Show. He hopes the City and County can work together to find a mutual solution to host the event.

Commissioner Malakoff stated that not wanting this event in Miami Beach is not a lack of respect to veterans, but it has to do with them being elected officials who represent Miami Beach residents who are concerned about their quality of life. If this event goes forward, as opined by the City Attorney, and there is order, manageable traffic and no disturbances, they would welcome it every year.

Commissioner Grieco stated that people have been asking for answers on how to handle Memorial Day Weekend. He provided an alternative, but is shocked that many people on the dais who voted in favor of the item are now second-guessing the event. He reiterated that having the Air and Sea Show is a step in the right direction for Memorial Day Weekend, and asked the City Commission to stand by their votes.

Commissioner Rosen Gonzalez stated that the City Commission needs to find a less noisy alternative for Memorial Day Weekend. It will be a disaster for residents.

County Commissioner Diaz suggested working together to make this event work right.

Mayor Levine suggested not voting on the item, according to Legal opinion.

City Manager Morales stated that he will work with the promoters to discuss plans and strategies, and will work with the County to discuss traffic management issues.

6:37:56 p.m.

SUPPLEMENTAL MATERIAL 1: REPORT

R9D Report Of Strategy For Dealing With High Impact Beach Events.
(Office of the City Manager)

ACTION: Discussion held. See action with R9B. Item heard in conjunction with Items R9B and R9F. **Office of the City Manager to handle.**

1. Email from Frank Del Vecchio fdelvecchio@atlanticbb.net dated April 26, 2016 RE: "Floatopia"/Beach Management Ordinance.
2. Email from David Ardit david@ariadevelopmentgroup.com dated April 25, 2016 RE: Register to Speak, Agenda Items R9B, R9D, R9F: "Floatopia" and High-Impact Beach Events, April 27 CC Meeting.
3. Email from Keith Marks Keith.Marks@elliman.com dated April 23, 2016 RE: Register to Speak, Agenda Items R9B, R9D, R9F: "Floatopia" and High-Impact Beach Events, April 27 CC Meeting.

7:27:08 p.m.

R9E Referral To The Finance And Citywide Projects Committee – Discussion Regarding A Competition Swimming Pool.

Note: Attached to this item is a Myrtha Pool Brochure Submitted by Commissioner Alemán.
(Sponsored by Commissioner Ricky Arriola)
(Legislative Tracking: Parks & Recreation)

ACTION: Item referred. Motion made by Commissioner Malakoff; seconded by Commissioner Rosen Gonzalez to refer to the Finance and Citywide Projects Committee. Voice vote: 7-0.
Allison Williams to place on the committee agenda. John Rebar to handle.

Commissioner Arriola introduced the item that is largely procedural to refer to FCWPC.

No further discussion held.

Handouts and Reference Materials:

1. Myrtha Pools Brochure Submitted by Commissioner Alemán, Item R9E, 4-27-16.

6:37:56 p.m.

R9F Discussion Regarding City Manager's Plans To Prevent Floatopia From Returning To The City Of Miami Beach And The Creation Of The Mayor's Blue Ribbon Panel Regarding Major Events Allowed On The Beaches.

(Sponsored by Mayor Philip Levine)

ACTION: Discussion held. See action with R9B. Item heard in conjunction with Items R9B and R9D. **Office of the City Manager to handle.**

1. Email from Frank Del Vecchio fdelvecchio@atlanticbb.net dated April 26, 2016 RE: "Floatopia"/Beach Management Ordinance.
2. Email from David Ardit david@ariadevelopmentgroup.com dated April 25, 2016 RE: Register to Speak, Agenda Items R9B, R9D, R9F: "Floatopia" and High-Impact Beach Events, April 27 CC Meeting.
3. Email from Keith Marks Keith.Marks@elliman.com dated April 23, 2016 RE: Register to Speak, Agenda Items R9B, R9D, R9F: "Floatopia" and High-Impact Beach Events, April 27 CC Meeting.

R9G Discuss A Resolution In Support Of The Lotus Village Project, Which Will Provide Much Needed Additional Capacity For Lotus House, And Women, Youth And Children Experiencing Homelessness, As Well As Expanded Support Services, Such As Health Clinic And Wellness Center Serving Lotus House And Its Overtown Neighborhood.
(Requested by Commissioner Joy Malakoff)

ACTION: Discussion held. **Resolution 2016-29380 adopted.** Motion made by Commissioner Malakoff; seconded by Vice-Mayor Steinberg to adopt the Resolution. Voice-vote: 7-0. **Rafael E. Granado to handle.**

Commissioner Malakoff introduced the item regarding Lotus House, which provides housing and support services to women, youth and children. The Lotus House is requesting monies to start the Lotus Village Project, which they hope the City Commission will support to provide further help and support.

7:28:21 p.m.

Mayor Levine stated that regarding the Mayor's Blue Ribbon Panel on the Convention Center, he proposed that each Commissioner should appoint a member to the Blue Ribbon Panel, excluding Commissioners Arriola and Rosen Gonzalez, because they will be respectively Chairing and Vice-Chairing the Panel.

Discussion held regarding appointing members by each elected official.

Commissioner Arriola stated that Miami Beach United (MBU) provided him with feedback to have a mix of members on the panel and improve their balance, so that way it is not exclusively made up of people who are pro or against a hotel.

Commissioner Alemán stated that the panel members should be Miami Beach residents.

Commissioner Malakoff and Vice-Mayor Steinberg agreed with Commissioner Alemán.

Discussion held.

Commissioner Malakoff asked her fellow Commissioners not to make the selection process complicated, and asked for each Commissioner to use their best judgment when selecting someone for the Blue Ribbon Panel.

Commissioner Arriola asked everyone to appoint someone within one or two weeks, so that the Blue Ribbon Panel can begin meeting soon.

Reports and Informational Items

SUPPLEMENTAL MATERIAL 1: LTC 174-2016

1. Miami Beach Convention Center Project Update – LTC.
(Office of the City Manager)

Handouts or Reference Materials:

1. Email from fdelvecchio@atlanticbb.net dated April 24, 2016 at 9:55 AM, RE: \$90 Million Public Subsidy Asked for 800-Room Broward Convention Center Hotel & attachment: The Miami Herald article titled “Broward to consider convention center addition.”

End of Agenda

Meeting adjourned at 7:35 p.m.