

MIAMI BEACH

Presentations & Awards/Commission Meeting

**City Hall, Commission Chamber, 3rd Floor, 1700 Convention Center Drive
May 18, 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. Granada

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

Meeting called to order at 5:04:26 p.m.

Pledge of Allegiance led by Police Captain Mimi Pfrogner.

5:42:15 p.m.

Rafael E. Granada, City Clerk, announced that Items R5A and R7E have been deferred to the June 8, 2016 Commission Agenda. He also announced that Commissioner Joy Malakoff was added as Co-Sponsor to Item PA4.

ITEMS DEFERRED:

R5A R7E

ADDENDUM MATERIAL 1:

R9A R9B

SUPPLEMENTAL MATERIAL 1:

R7E Memorandum

Presentations and Awards**5:42:30 p.m.**PA1 Employee Performance Recognition.
(Office of the City Manager)**ACTION:** Performance Recognition presented.

Jimmy L. Morales, City Manager, explained that under the Recognition Program the Administration recognizes employees according to their performance evaluations. For the month of April, there were 95 employees whose anniversary was this month, 25 of whom received exceeding and significantly exceeding expectations during their performance of their duties. The following employees were recognized:

Building

James Zeigler, Significantly Exceeding Expectation

CIPFernanda Sotelo, Exceeding Expectation
Sabrina Baglieri, Exceeding Expectation**Office of the City Clerk**

Fernanda Silva, Significantly Exceeding Expectation

Code ComplianceGeorge Castell, Exceeding Expectation
Treisa Smith, Exceeding Expectation**Finance**

Sara Patino, Exceeding Expectation

FireOrosman Tamayo, Significantly Exceeding Expectation
Carlos Vinuela, Exceeding Expectation
Jesus Abay, Jr., Exceeding Expectation
Hans Estrada, Exceeding Expectation
Danny Diaz, Exceeding Expectation
Hayden Rock, Exceeding Expectation
Christopher Rojas**Parking**

Daniel Rozenblit

Parks & Recreation

Daniella Fernandez, Exceeding Expectation

Planning

Steven Williams, Significantly Exceeding Expectation

Police

Nancy Alba, Significantly Exceeding Expectation

Oswaldo Ramos, Exceeding Expectation

Thomas Payne, Exceeding Expectation

Jeffrey Motola, Exceeding Expectation

Katrina Lugo-Martinez, Exceeding Expectation

Eyra Cordoba, Exceeding Expectation

Kathleen Prieto, Exceeding Expectation

Ivette Dominguez, Exceeding Expectation

Kraig Bryan, Exceeding Expectation

Richard Rodriguez, Exceeding Expectation

Nicholas Guasto, Exceeding Expectation

Handouts or Reference Materials:

1. List of Performance Recognition for April 2016.

5:57 p.m.

Vice-Mayor Steinberg announced that Mayor Levine had to leave and she will be chairing the meeting.

5:57:31 p.m.

PA2 Proclamation To Be Presented To Law Enforcement Officers Participating In The Kindergarten Cops Program, For Their Commitment And Dedication To Engaging, Educating And Supporting Children Within The City Of Miami Beach.

(Police)

ACTION: Proclamation presented.

Vice-Mayor Steinberg introduced the item.

Captain Mimi Pfrogner thanked the City Commission for honoring Miami Beach Police Officers for their involvement in the Kindergarten Cops Program and thanked them for this opportunity. She recognized Kindergarten Cops Captain Pfrogner; Officer Llaneres, Officer Cabrera, Detective Socarras, Captain Pfrogner, and several other Police Officers that were not able to make it today. She thanked Carlos Cuellar, Officer Calsey, Melanie Veizaga, and Officers Martineau and Alexander Vargas.

Vice-Mayor Steinberg read the Proclamation into the record: Whereas, The Kindergarten Cops Program is a partnership, implemented in 2008, between the City of Miami Beach Police Athletic League (PAL), the Miami Beach Police Department and the Miami-Dade School System; Whereas, It is recognized that Police Officers are natural role models in their communities and that their involvement in the lives of children from an early age has a positive and lasting influence; Whereas, The Kindergarten Cops Program aims to instill in the children a sense of responsibility, citizenship, kindness, honesty, integrity, respect, cooperation and fairness – all to achieve the overall Goal of the Program, which is to help children to grow up to become positive and productive members of society; Whereas, 16 Miami Beach Police Officers volunteer to contribute to the Program and actively contribute to its success. Their dedication and commitment

is regularly demonstrated in events such as the Kindergarten Cops Day at Muss Park. Now therefore, do I, Philip Levine as Mayor of the City of Miami Beach, hereby proclaim May 18, 2016 as KINDERGARTEN COPS DAY.

Captain Pfrogner also recognized Hermes Brezo, the photographer for this event. He takes every picture and is there from the beginning to the end of the day. Some of these Police Officers have been with the program for the last eight years; they dedicate an hour once a month to see these kids. The children are educated on how to call 911, Stranger Danger, crime prevention, being home alone, guidance safety, and they have the unique ability to share this knowledge with the children. It is their gift to the children that they love so much. Fanfare is their graduation present to them, to thank them for learning all the lessons. They created this relationship in order for the Miami Beach Police Department (MBPD) to connect with them at an impressionable age, hoping that some of the lessons taught will stay with them when life decisions are harder to make. Captain Pfrogner thanked Chief Oates for his support, and retired Captain Linda Veski, who created this program and handed it over to her, and she is glad that so many Police Officers have stayed on board for so many years. The program has led to several other programs in the City. PAL has been on board every step of the way. She also recognized Big Brothers Big Sisters in Blue. She announced the first Junior Police Academy Summer Camp, all because of wanting to do more for the children in this community.

Arthur Martineau, Police Officer, thanked the team.

5:53:40 p.m.

- PA3 Certificates Of Recognition To Be Presented To Miami Rowing Club Coach Stephanie Parrish, And Para-Rower Helman Roman & Rowing Partner Lorah Goodkind, For Their Accomplishment As The National Champions In The Mixed Trunk And Arms Event, And For Representing The United State At The Olympic Qualification Regatta In Italy Last Month.
(Sponsored by Commissioner Kristen Rosen Gonzalez)

ACTION: Certificates of Recognition presented.

Commissioner Rosen Gonzalez introduced the item and presented the Certificates to the members of the Adaptive Rowing Program; which provides fitness to the disabled. The Adaptive Rowing Program is the first of its kind in the country; its mission is to provide disabled athletes opportunities to build physical fitness, self-esteem and community connection by rowing. She thanked Dr. Shane, and Elaine and Dan Gelber for putting this together. Today they honor Helman Roman and Lorah Goodkind, who represented Team USA at the final Paralympic Qualification Regatta in the trunk/arms event. She recognized the Miami Beach Rowing Club coach Stephanie Parrish. These athletes were just 1.6 seconds away from qualifying for the real Paralympic games to go to Italy. Helman Roman, a Purple Heart recipient, suffered permanent injuries in an attack in Afghanistan, while serving as a Staff Sergeant in the U.S. Army on September 11, 2009. Lorah Goodkind was born with Cerebral Palsy and was not expected to live past her 25th birthday. Goodkind celebrated her 30th birthday on Wednesday in a Team USA uniform. Both Roman and Goodkind have been rowing for less than two years; Roman began his rowing career at the Miami Beach Rowing Club, and Goodkind started at the Long Beach Rowing Club in California. Stephanie Parrish, of University of Miami, has been rowing for 14 years and coaching for five. Parish moved back to Miami in August for the Paralympic position at MBRC after coaching at the collegial level. She congratulated Laura, Helman and Stephanie for their accomplishments.

6:03:39 p.m.

PA4 Certificate Of Appreciation To Be Presented To Mr. Bernardo Collado For His Work And Dedication To The Senior Events At Rebecca Towers.

(Sponsored by Commissioner John Elizabeth Alemán
Co-Sponsored by Commissioner Joy Malakoff)

ACTION: Certificate of Appreciation presented.

Commissioner Alemán and Commissioner Malakoff introduced Bernardo Collado. Bernie joined the Miami Beach Rebecca Towers community in 2012. In the past four years, he has managed to become an indispensable part of the event and holiday celebrations at Rebecca Towers. Bernie is known for his dedication to his Rebecca Towers family. Before any holiday or event, he carefully prepares the Rebecca Towers event room and halls with detailed and unique decorations. Bernie has put his life experience in window dressing in New York City, and a design degree, to wonderful use in Miami Beach, bringing joy to his neighbors and friends as often as he can. Bernie always wants to make sure that holidays are fun, and decorates with love to make sure that everyone has a reason to live and enjoy life. It is for this reason that Commissioner Malakoff and herself would like to present Bernie with this token of appreciation. His love and dedication have not gone unnoticed.

Commissioner Malakoff stated that Bernie is fabulous.

Handouts or Reference Materials:

1. Email from Cilia Maria Ruiz-Paz dated May 13, 2016 RE: Presentation for May 18th.

6:32:04 p.m.

PA5 Proclamation Declaring May 2016 As ALS Awareness Month In The City Of Miami Beach.
(Sponsored by Mayor Philip Levine)

ACTION: Proclamation presented.

Vice-Mayor Steinberg read the proclamation into the record: Whereas, Amyotrophic Lateral Sclerosis or ALS is better known as Lou Gehrig's disease and is a fatal neurodegenerative disease characterized by deterioration of cell bodies of the lower motor neurons in the gray matter of the anterior horns of the spinal cord; Whereas, The initial symptoms of ALS is weakness of the skeletal muscles, especially those of the extremities and as ALS progresses, the patient experiences difficulty in swallowing, talking, breathing and eventually causes muscles to weaken. Whereas, On average, patients diagnosed with ALS only survive two to five years from the time of diagnoses and it has no known cause, means of prevention or cure; Whereas, ALS does not affect a patient's mental capacity, allowing the patient to remain alert and aware of his or her loss of motor functions and the inevitable outcome of continued deterioration and death; Whereas, ALS awareness month increases the public's knowledge of the disease, how it affects the patients', how it impacts their families and the community recognizes the research being done to eliminate ALS. Now therefore, do I, Philip Levine as Mayor of the City of Miami Beach, hereby proclaim May 2016 as ALS Awareness Month.

5:45:03 p.m.

PA6 Proclamation Declaring June 2016 As Alzheimer's Disease Awareness Month In The City Of Miami Beach.

(Sponsored by Mayor Philip Levine)

ACTION: Proclamation presented.

Mayor Levine informed that Alzheimer's affects many people and families around the world. He read the Proclamation into the record; Whereas, Alzheimer's disease is a progressive neurodegenerative brain disorder that robs individuals of their memories and leads to progressive mental and physical impairments. Over 5.3 million Americans are living with this disease, including an estimated 510,000 individuals in the State of Florida, of which 55,000 reside in Miami Dade County; Whereas, Every 66 seconds someone in the United States develops Alzheimer's disease and it is the sixth leading cause of death in America. This disease is one of the only causes of death in America that cannot be prevented or cured; Whereas, Alzheimer's disease is the most expensive disease in the U.S. and in 2016, the direct costs to American society of caring for those with Alzheimer's is an estimated \$236 billion and in Florida, over 1 million caregivers provided over 1 billion hours of unpaid care valued at \$16 million; Whereas, the State of Florida and the City of Miami Beach recognize the efforts of the Alzheimer's Association to raise funds, provide care, support for those living and caring for someone with this disease and promote awareness to fight Alzheimer's disease and related disorders. Now therefore, do I, Philip Levine as Mayor of the City of Miami Beach, hereby proclaim June 2016 as Alzheimer's And Brain Awareness Month.

Jennifer Preston, Public Policy Manager, Alzheimer's Association, thanked the City Commission for allowing them to attend the meeting and bring awareness to this disease. Alzheimer's disease affects many patients in South Florida and Miami-Dade County. There are an estimated 55,000 in Miami-Dade County; unfortunately, those are the ones that are diagnosed. It is expected that only about 45% of patients living with Alzheimer's have a proper diagnoses.

6:09:43 p.m.

PA7 Proclamation To Be Presented In Honor Of National Public Works Week.
(Public Works)

ACTION: Proclamation presented.

Vice-Mayor Steinberg read the proclamation into the record. Whereas, Public Works infrastructure, facilities and services are of vital importance to sustainable communities and to the health, safety and well-being of the people of Miami Beach; Whereas, Public Works facilities and services could not be provided without the dedicated efforts of the Public Works professionals, engineers, managers and employees from State and local government who plan, design, build, operate, and maintain right of ways, water system, storm water, solid waste systems, and other facilities essential to serve our citizens; Whereas, It is in the interest for Miami Beach constituents to understand the importance of Public Works and the programs in their respective communities. 2016 marks the 56th annual National Public Works Week sponsored by the American Public Works Association; Now therefore, do I, Philip Levine as Mayor of the City of Miami Beach, hereby proclaim May 15-21, 2016, as National Public Works Week.

Jimmy L. Morales, City Manager, added that the Public Works Department is also nationally accredited and one of the few nationally accredited Public Works Department in the State of Florida.

Eric Carpenter, Assistant City Manager/Public Works Director, thanked the City Commission for their continued support, and for everything they have allowed them to accomplish. They have nearly 400 Public Works professionals that work in the City of Miami Beach, and they often say in Public Works, when you are doing your job, nobody knows your name. Thank you for recognizing everyone today. They truly appreciate it.

6:13:22 p.m.

PA8 Certificates Of Recognition To Lt. D. Morgalo, Sgt. J. Nolan, And Sgt. J. Motola, For Going Beyond The Call Of Duty In Stopping A Suicide And Saving A Life.
(Sponsored by Commissioner Michael Grieco)

ACTION: Certificates of Recognition presented.

Commissioner Grieco explained that they, as Commissioners, receive special incident notifications via emails about what is going on, if there have been any significant issues with the Police or anything that happened overnight. This is an incident involving three Police Officers who stepped up and saved a life. He has known these officers from the time he began working at the Prosecutor's Office (Office of the State Attorney) in Miami-Dade in 1999; they were Patrol Officers then, and he is proud to see them move up the ranks. He introduced Police Chief Oates to explain the incident.

Chief Oates thanked Commissioner Grieco and the City Commission for recognizing these officers: Lt. D. Morgalo, Sgt. James Nolan, and Sgt. Jeff Motola. Along with this recognition, these three gentlemen are being awarded Life Saving Awards by the Police Department. Captain Robinson was on scene and Chief Oates would like him to tell the story.

Captain Robinson stated that on April 19, 2016, a male went to the top of an abandoned building under construction, the old South Shore Hospital, 630 Alton Road. He went up to the tenth floor, and called the Police Department and gave his location; he was able to see a Police car go by, and through investigative means, they were able to track him down. The man was ready to jump. The Police stopped all traffic in the area, and he witnessed these three Police Officers patiently taking their time to speak to him, offering him services, and they were able to rescue him, probably about 45 minutes to an hour later, they brought him water, sandwiches and cigarettes, and he decided to step over the railing and come back in. He is currently receiving treatment for his issues.

Commissioner Grieco read the Certificates into the record. On behalf of the Mayor and City Commission of the City of Miami Beach, we are proud to recognize all three Police Officers for their quick response on the scene, and subsequent prevention of a citizen harming himself. The Officers arrived at the scene in time to stop him from jumping off the building, previously known as the South Shore Hospital, and secured assistance to the citizenry at the scene, after bringing this citizen safely. The City of Miami Beach is grateful to have such dedicated Officers protecting our residents in the City, on behalf of the Mayor and City Commission. It is a pleasure to know all three Police Officers.

6:28:56 p.m.

- PA9 Certificate Of Recognition To Be Presented To Ms. Habsi Kaba For Her Loyalty, Commitment And Dedication To Coordinating Law Enforcement And Criminal Justice Services For Individuals Who Suffer From Mental Health And/Or Substance Misuse Issues.
(Police)

ACTION: Certificate of Recognition presented. Chief Oates presented Ms. Habsi Kaba with a Certificate of Appreciation signed by him.

Captain Robinson read language into the record; Ms. Habsi Kaba is the Miami-Dade Crisis Center Intervention Law Enforcement Liaison for the 11th Judicial Circuit Criminal Mental Health Project, and has been for the past 15 years. She is the Law Enforcement Liaison between Police Departments and the Criminal Justice System for individuals who suffer, both mental and substance abuse issues. Habsi has trained well over 3,000 Police Officers in Miami-Dade County in her 40-hours CIT course, of which over half of the Miami Beach Police Department has attended. She also teaches her course to law enforcement partners around the nation. In the near future, they hope to have her working directly with them to get all Officers trained. Habsi is the point of contact at all hours of the day and night, 365 days a year, 24 hours a day, seven days a week, and they are glad to know that she is there for them. She is always eager to answer their telephone calls and is happy to assist them with any problems or issues that their officers may come across. She was instrumental in the creation and implementation of their recently updated and released Standard Operating Procedure, as they relate to Baker Acts and others. Without her, they could not have a policy that other Police Departments are asking them to share so they may mirror theirs. Habsi attends all meetings with them, with local medical care facilities and health providers. She schedules, prepares for, and facilitates quarterly meetings with all CIT law enforcement in areas in Miami-Dade, so they have a network for people to turn to when needed. Yesterday, five Miami Beach Police Officers were awarded the 2015 CIT Team of the Year Award, and none of this would have happened without her coming forward and nominating teams. Habsi is a great person, partner, ambassador, and a friend to the City of Miami Beach and the Police Department, and they look forward to work together for many years to come.

6:25:39 p.m.

- PA10 Acknowledgement Of Achievement Of The Miami Beach Police Department's Crisis Intervention Team (CIT), Recently Awarded The "CIT Team Of The Year" At The 15th Annual Mental Health In Action Conference On May 11, 2016.
(Police)

ACTION: Acknowledgement of Achievement awarded.

Chief Daniel Oates stated that for several years Captain Robinson has been their representative to the countywide effort for Crisis and Intervention Team (CIT). He introduced him to explain what this special recognition is all about; it is the very first time a team has been issued this award, and to Miami Beach Police Department is the recipient.

Captain Robinson stated that for 15 years that CIT has had awards luncheons, this is the first time ever this award is given, and it was awarded to the Miami Beach Police Department. This sets the bar for all other agencies in Miami-Dade County to see what they can do. This team led by Officer Blanco and Sergeant Berrian, Habsi and Officers Cuellar, Llamoca, and Lantigua received the award for the 2015 Miami-Dade Crisis Intervention Team of the year. They worked together, as a team, in recognizing people that are perhaps committing a crime, and looking at the root cause of

the problem, as to what is causing them to commit this crime, to see if it is a substance abuse issue or a mental health issue. Once they identify the root of the problem, they either transport them to intake facilities local or around Miami-Dade County. He thanked the CIT members.

5:49:11 p.m.

PA11 Certificates Of Recognition To The Winning Students From The Miami Beach Bar Association Law Day.

(Sponsored by Vice-Mayor Micky Steinberg)

ACTION: Certificates of Recognition presented.

Vice-Mayor Steinberg introduced the item. The Miami Beach Bar Association sent lawyers to all Miami Beach feeder pattern schools to make a presentation about Law Day, following the American Bar Association topic. This year, the national topic was *Miranda More Than Words*, intended to provoke a discussion of the Constitutional rights that people are entitled to know about before being interrogated by the Police. Students were invited to participate in a poster contest to demonstrate what this topic means to them. Nine students won this award, from third to tenth grade. They are exceptional and she is proud to give them this recognition. She presented a special Certificate to Jodie Breece, who is the Miami Beach Bar Association Law Day Chair. She read the students names into the record: Hailee Prattas, Finlay Davidson, Brooke Bellinson, Daniel T. Grecia, Allison Podvin, Shaun Merrill, Samantha Araujo-Cox and Alexander Radick.

Michael Góngora recognized all the students for being superstars.

6:18:18 p.m.

PA12 Proclamation To Be Presented To Maria Alvarez From Public Works In Recognition For Her 22 Years Of Service And The Extraordinary Help To The Office Of The Mayor And Commission.

(Sponsored by Mayor Philip Levine)

ACTION: Proclamation presented.

Vice-Mayor Steinberg introduced the item.

Jimmy L. Morales, City Manager, stated that not only has Maria served the City for so many years in terms of reviewing plans and other duties, but the greatest things one hears is that she is one of the nicest and best people to work alongside. That says it all. He congratulated Maria.

Eric Carpenter, Assistant City Manager/Public Works Department, stated that it is appropriate that Maria started working in the City on February 14, 1994, because she has brought a great deal of love and joy in everything she has done in the City. She has been an amazing asset to the Public Works Department for the last 22 years, and they will miss her greatly, but she always has a home here. He thanked her for her dedication.

Vice-Mayor Steinberg read the Proclamation into the record. Whereas, Maria Alvarez began her remarkable career with the City's Public Works Engineering on February 14, 1994. Over the years, Maria has been instrumental regarding engineering plans and utilities. She is a key resource in coordinating Sunshine 811 design locate requests and ensuring that new projects do not come into contact with existing known utilities; Whereas, Maria Alvarez has been a wealth of

boundless information regarding historical file information, has assisted many engineers in the development of new projects and is a central coordinator for pressure test of water mains and other infrastructure items; Whereas, Maria Alvarez worked alongside with local agencies to include FDOT in the marking up of plans to ensure accuracy. She has been a great asset to the City and her unique ability to store and locate intricate files is going to be sorely missed; Whereas, Maria Alvarez has also created numerous maps, prints and special state of the art banners for an array of Citywide departments including, assisting with all City branding for the Office of the Mayor and Commission events such as State of the City, Press Conferences, Centennial Exhibition and countless Miami Beach senior events. Now therefore, do I, Philip Levine as Mayor of the City of Miami Beach, hereby proclaim May 18th, 2016 as "Maria Alvarez Day."

Handouts and Reference Materials:

1. Email from Fiorella Sarmiento dated May 17, 2016 RE: title correction.

6:06:05 p.m.

NEW ITEM

PA13 Certificates Of Recognition To Be Presented To 2016 SOIL@MBSH Art And Essay Contest Winners.

(Requested by Commissioner Michael Grieco)

ACTION: Certificates of Recognition presented to Essay Contest Winners: Essay Contest Winners: 1) Shirel Levy, 2) Jasmile DeJesus, 3) Matthew Zukowski; Art Contest Winners: 1) Balthazar Cordova, 2) Jose Sanchez, 3) Creneesha Davis. They are also happy to recognize service of our SOIL@MBSH Club members whose execution of volunteerism made these contests a reality. These SOIL@MBSH Volunteers are: Miguel Mari, Sarah Diaz, Ailan Feldner, Alexandra Gordon-Smith, Melanie Guzman and Coral Matos.

Commissioner Grieco introduced the item and explained that this was done last year and he is proud to do this again. The 2016 SOIL@MBSH art and essay contest had over 200 students participating. The purpose of the contest is to raise conversations about environmental concerns in our community, and around the world, and to call the attention to the work of sustainable, organic integrated group livelihoods, whose ten years of ecological sanitation work in Haiti continues to make transformable change in wash practices that improve public health and turn in waste into sustainable resources.

Soil@MBSH Teacher David Reese introduced the students being recognized for winning the contest and they have four of the students present who created the contest and helped the judges.

Handouts and Reference Materials:

1. Email from Danila Bonini dated May 17, 2016 at 1:01 PM RE: Certificates.

6:23:29 p.m.

NEW ITEM

PA14 Recognition Of Howard Kaufman, and his contributions to the City, Who Passed Away May 11, 2016.

(Requested by Mayor Philip Levine)

ACTION: Recognition made in memory of Howard Kaufman.

Vice-Mayor Steinberg introduced the item placed on the Agenda by Mayor Levine.

David Kelsey thanked the City Commission for recognizing Howard Kaufman's contributions. He was instrumental in the founding and continuation of the Miami Beach Tuesday Morning Breakfast Club and they will miss him.

Marsha McMurrain, daughter, added that her father enjoyed the Tuesday Morning Breakfast Club meetings and it means a great deal of to the family that he is recognized today.

Commissioner Malakoff stated that Howard Kaufman was a wonderful man and wonderful role model for children who got into tennis, including the number one champion. Howard introduced these children to tennis.

Handouts or Referenced Materials:

1. Online Obituary published in The Miami Herald on May 13, 2016.

REGULAR AGENDA**R5 - Ordinances**

- R5A An Ordinance Pertaining To The Subject Of A Six (6) Month Moratorium For The Two National Historic Districts Contained Within The North Beach Master Plan Study Area With The Following General Boundaries: (1) The "North Shore National Register," Generally Bounded By 73rd Street To The South, Dickens Avenue, Hawthorne Avenue And Crespi Boulevard To The West, 87th Street To The North, And Collins Court To The East; And (2) "Normandy Isles National Register:" Generally Bounded By Biscayne Bay To The South, Ray Street, Rue Notre Dame And Rue Versailles To The West, Normandy Shores Golf Course To The North, And The Western Bulkhead Of Indian Creek To The East; Imposing A Temporary Moratorium Upon The Receipt Of Or Processing Of Applications, Permits Or Pending Approvals Pertaining To Demolition Of Contribution Structures Within The Two Historic Districts Within The North Beach Master Plan Study Area; Providing For An Effective Date Retroactive To May 18, 2016; For Zoning In Progress Purposes, This Ordinance Shall Be Effective Upon First Reading Of This Ordinance, And No Applications For Demolition Within The Designated Area Shall Be Accepted By The City; Providing For Exceptions; Providing For Severability; Repeal Of Conflicting Ordinance Provisions; And Providing For An Expiration Date. **First Reading**
(Sponsored by Commissioner Ricky Arriola &
Co-sponsored by Commissioner Joy Malakoff)
(Planning)

ACTION: Item deferred to the **June 8, 2016** Commission Agenda. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda, if received. **Office of the City Attorney to handle.**

R7 - Resolutions

5:40:49 p.m.

- R7A A Resolution Approving And Authorizing Miami City Ballet And The City Manager (Or His Designee) To Apply For, Accept, And Execute Any And All Documents Or Agreements In Connection With A Grant Request To Florida Department Of State, Division Of Cultural Affairs, Cultural Facilities Program, In An Amount Not To Exceed \$500,000 For The Miami City Ballet Renovation Project; And Further Authorizing The City To Appropriate Funding (Including Matching Funds And Any Related Expenses) In Connection With This Grant.
(Budget & Performance Improvement)

ACTION: Resolution 2016-29411 adopted. Motion made by Commissioner Malakoff; seconded by Commissioner Steinberg. **Cyntia G. Ramos to handle.**

Judy Hoanshelt, Grants Officer, explained that they are asking authorization for Miami City Ballet to apply for the State program to renovate their building.

5:41:35 p.m.

- R7B A Resolution Authorizing The Acceptance Of A Donation Of Thirty (30) Refurbished Laptops Valued At \$25,470, From The On It Foundation, Inc., For Use By The City's Office Of Housing & Community Services All Stars Program As A Component Of Its Science, Technology, Engineering, And Mathematics (STEM) Program.
(Housing & Community Services)

ACTION: Resolution 2016-29412 adopted. Motion made by Commissioner Alemán; seconded by Commissioner Malakoff. Voice-vote: 7-0. **Maria Ruiz to handle.**

Maria Ruiz, Housing & Community Services Director, stated that this item is tied to the grant with the Children's Trust; where each of the providers are required to match funds in conjunction with the grant. The On It Foundation, Inc., is providing these computers as their match to the grant; these 30 computers were reused for the children enrolled in the All Star Program.

5:11:05 p.m.

- R7C A Resolution Endorsing And Approving A Sister City Affiliation With The City Of Salamanca, Spain.
(Sponsored by Mayor Philip Levine)
(Legislative Tracking: Office of the City Attorney)

ACTION: Resolution 2016-29413 adopted. Motion made by Commissioner Arriola; seconded by Commissioner Malakoff. Voice-vote: 7-0. **Danila Bonini and Thatiane Trofino to handle.**

Mayor Levine announced that Miami Beach Sister Cities program had worked with the City of Salamanca, Spain, to have a new Sister City affiliation. He attended school there to learn Spanish, and he thinks it is a great addition to the program. He suggested adding other locations around the world. Miami Beach does not have a Sister City in France, and he thought that in the future they can look at Cannes to study their Boat Show, the Film Festival and all the cultural events similar to the City's.

Commissioner Malakoff suggested having a better Sister City Friendship Garden in the City, and she will bring this to a future agenda, as what they have in front of City Hall is not sufficient.

Mayor Levine announced that they will be travelling to Sister City Fujisawa, Japan, one of the oldest Sister Cities, and will return by Memorial Day Weekend.

5:12:40 p.m.

R7D A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 2 To The Design-Build Services Agreement Between The City Of Miami Beach, Florida, And Ric-Man International, Inc., Attached Hereto As Exhibit A, For The Design-Build Services For Neighborhood No. 8: Sunset Islands 3 & 4 Right-Of-Way Infrastructure Improvements Project; The Amendment Includes 1) Additional Design, Permitting And Construction Services Associated With Homeowners' Association (HOA) Requests In The Not To Exceed Amount Of \$2,800,000; And 2) Time Extension Of 173 Calendar Days, With Funding Being Subject To The Approval Of The City Commission During The Next Proposed FY 15/16 Capital Budget Amendment Cycle.
(Capital Improvement Projects)

ACTION: Resolution 2016-29414 adopted. Motion made by Commissioner Malakoff; seconded by Commissioner Alemán. **David Martinez to handle.**

Eric Carpenter, Assistant City Manager/Public Works Director, informed that this item is a recommendation for a Change Order to the contract with Ric-Man for the Sunset Islands 3 & 4 neighborhood improvement project. The critical components is the raising of the roads by approximately six inches to accommodate future sea level rise, and the modification of the roadway cross-section, which is currently designed for a one-way traffic to be able to accommodate two-way traffic, while still only modifying the hardscape from 19 to 20 feet overall. They have been working with the contractor for the last couple of weeks, and have not negotiated a final price. However, they believe this is an appropriate dollar value for the requested work. The price for the change order is \$2.8 million to the existing contract, in order to deliver additional enhancements to the neighborhood improvement project.

Discussion held.

Mayor Levine asked Mr. Carpenter if the President of the Association had endorsed these changes.

Mr. Carpenter answered in the affirmative, and explained that they received a Resolution from the directors of the homeowners association, and they were the ones that actually initiated the discussion.

Mayor Levine asked the City Manager for his recommendation.

Jimmy L. Morales, City Manager, stated that since his first day at City Hall, April 1, 2013, every single CIP project in the community receives a tremendous amount of input on both sides of the issue, whether it was the Venetian Causeway, Stormwater funds, Bayshore and issues involved with the location, Palm Hibiscus, and every neighborhood usually continues discussions; the goal is to try to achieve a project that is satisfactory to the engineers and the contractors, but at the same time tries to address the concerns and opinions of the community and neighbors.

Vice-Mayor Steinberg stated that change orders and changing the scope of work after the work or contract has been awarded is not agreeable with her. She understands that these are different situations where the neighborhood approaches the City, but moving forward they need to have the dialogue early in the process, so they are not faced in making change orders. This is it for her.

Mayor Levine recognized Eric and David for their patience.

Handouts and Reference Materials:

1. Email from Terry Bienstock [,tbienstock@bienstock.com](mailto:tbienstock@bienstock.com) to City Commission dated May 16, 2016, RE: R7D – Amendment 2 Sunset Islands 3 & 4 ROW Infrastructure Project – modification to eliminate the Sidewalk.
2. Email from Peter Luria, peterpl@bellsouth.net, to City Commission dated May 16, 2016, RE: R7D – Amendment 2 Sunset Islands 3 & 4 ROW Infrastructure Project – modification to eliminate the Sidewalk, with attached LTC #002-2016.
3. Email from Robert Gonzalez rgonzalez@printmedia-inc.com to City Commission dated May 16, 2016 RE: R7D – Sunset Islands 3 And 4 – Oppose Elimination of Sidewalk, with attached Agenda Item R7D from 5.18.16.
4. Email from Francesco Senis [<fsenis@glfusa.com>](mailto:fsenis@glfusa.com) to City Commission dated May 17, 2016 4:50 PM, RE: Emailing R7D – Execute Amendment 2 Sunset Islands 3 And 4 ROW Infrastructure Improvements, with attachment.
5. Email from Terry Bienstock tbienstock@bienstock.com to City Commission dated May 17, 2016 6:06 PM RE: Results of Voting on One Way Streets, with attached notice to sunset 3 owners re vote and ballot.docx; notice to sunset 4 owners re vote and ballot.docx.
6. Email from Raul Aguila to Terry Bienstock and City Commission dated May 17, 2016 6:39 PM RE: Results of Voting on One Way Streets.
7. Email from Terry Bienstock tbienstock@bienstock.com to Raul Aguila and City Commission dated May 17, 2016 7:12 PM RE: Results of Voting on One Way Streets.
8. Email from Jackie Lalonde jacquelineplalonde@gmail.com to City Commission dated May 17, 2016 at 9:25 PM, RE: Sunset Island 3&4 with attached Master List Petition.pdf; Sunset Island 3 Petition.pdf; Sunset Island 4 Petition.pdf.
9. Email from Robert L. Caporale bobcap@gameplanllc.com to City Commission dated May 18, 2016 at 11:25 AM, RE: Sunset Island 3&4 CIP project.
10. Email from Richard Stollenwerck rstollen@gmail.com to City Commission dated May 18, 2016 at 12:11 PM, RE: Sunset Island 3&4.
11. Email from David Berger bergerdav@aol.com to City Commission dated May 18, 2016 at 11:35 AM RE: Agenda Item R7D on 5/18/16 Sunset Islands 3&4.
12. Email from Suzanne Hollander Suzanne.hollander@gmail.com dated May 18, 2016 at 5:47 PM to City Commission, RE: R7D – Sunset Islands 3 & 4.

SUPPLEMENTAL MATERIAL 1: MEMORANDUM

R7E A Resolution Accepting The Recommendation Of The City Manager Pertaining To Award, Pursuant To Request For Proposals (RFP) No. 2016-042-KB, For Design/Build Services For Stormwater Pump Station At Northeast Corner Of Convention Center Drive, To David Mancini And Sons Inc. (DMSI) In The Guaranteed Maximum Price (GMP) Of \$5,398,019.00; And Further Authorizing The Mayor And City Clerk To Execute A Design Build Agreement With DMSI.

(Procurement/Public Works)

ACTION: Item deferred to the **June 8, 2016** Commission Meeting. Lilia Cardillo to place on the Commission Agenda if received. **Alex Denis and Eric Carpenter to handle.**

Handouts or Reference Materials:

1. Letter from Alexander P. Heckler dated May 15, 2016 addressed via E-Mail to Jimmy L. Morales, RE: Request for Proposals 2016-042-KB Design-Build Services for Stormwater Pump Station at Northeast Corner of Convention Center Drive.

R9 - New Business and Commission Requests

5:05:47 p.m.

ADDENDUM MATERIAL 1:

R9A Request By Attorney Dan Gelber, A Miami Beach Resident And Former State Representative, To Address The Mayor And City Commission About The City Requesting To File An Amicus Curiae Brief In The Lawsuit Filed Last Week By Genting Against Miami-Dade County And The State Attorney To Allow Gambling In The Omni Facility On Biscayne Boulevard In Downtown Miami.
(Sponsored by Mayor Philip Levine)

ACTION: Request approved. Motion made by Commissioner Malakoff; seconded by Commissioner Arriola; Voice vote: 7-0. **Office of the City Attorney to handle.**

Mayor Levine introduced former Florida State Senator Dan Gelber.

Dan Gelber, Former Florida State Senator, stated that the gambling resort operator Genting is trying to bring gambling to the Omni site in Miami. He recalled the decades of resistance the various Miami Beach City Commissions have had against gambling, and highlighted its latest effort in preventing gambling from taking place at the new Convention Center. Genting is trying to get the Gulf Stream permit, and have State regulators approve its operations in South Broward, North Dade, and the Omni site. Genting has leased a property in the Omni to put at least 2,000 slot machines, but the company is not interested in having only 2,000 slot machines, they want to build a mega gambling-resort, which they have been planning to build for years. Genting recently sued Miami-Dade County and the Miami-Dade State Attorney Katherine Fernandez Rundle on the basis that the gambling laws cannot be enforced, because what they are doing is legal. He urged the City Commission to be vigilant on this matter, as they have consistently been. The gambling businesses only have to win one battle, whereas the City has to win every single one. He suggested the City file a friend of the court brief (An Amicus Curiae Brief) before the judge, because it is important for the judge to know that a mega gambling-company could figure out a way to back channel something that will completely change the fabric of the community. The community must be made aware of the reasons why this action must not be successful, and why mega-gaming is bad for our neighborhoods.

Mayor Levine thanked Mr. Gelber for his statement.

Raul J. Aguila, City Attorney, stated that the City is not a party in the litigation, but the City would be advocating in the defense of the position against the Genting argument. There are attorneys in the City's Legal Department who are familiar with the case, and it can be handled in-house, without any cost to the City. This could be coordinated with Donald Papy. **Donald Papy to handle.**

Commissioner Malakoff expressed her support for Mr. Gelber's request.

5:17:09 p.m.

ADDENDUM MATERIAL 1:

R9B Discussion Regarding Pollution In The Bay From The Pump System.
(Sponsored by Commissioner Kristen Rosen Gonzalez)

ACTION: Discussion held. Commissioner Grieco made a motion to have the City Attorney seek any avenues they can take to protect the City from not only this issue, but also similar future instances; seconded by Commissioner Alemán. Voice-vote: 6-1; Opposed: Commissioner Rosen Gonzalez. **Eric Carpenter to handle.**

Mayor Levine stated that he had read the disturbing article published in The Miami Herald regarding the waste found in Biscayne Bay, and will address it after the initial comments.

Roy Coley, Public Works Department and Infrastructure Division Director, stated that he is responsible for the operation and maintenance of the storm water system, and would like to make a few points. The tone in The Miami Herald article makes it seem that the City's pumps are pumping sewer water into the bay. That is not true; the pumps simply move water from one place to another, and storm water by its nature carries pollutants that it comes in contact with in the urban and rural environments. The pollutants in the storm water are very similar to the storm water pollutants found throughout South Florida, California, the United States, and around the world. It is their goal to reduce pollutants; and in fact, they have in place very aggressive control devices that clean the pump stations. The discharged storm water now has fewer pollutants than before the pumps were installed.

Commissioner Rosen Gonzalez expressed her concern that the level of fecal matter is 622 times higher than the acceptable amount.

Mr. Coley stated that the City has done its own sampling and compared it to The Miami Herald numbers, and there is a discrepancy. At times, the bacteria levels are undetectable, but at other times, the levels are high. Taking samples in such a way does not give one a control group or background on trends; further samples need to be taken at different locations to determine the true pollution level of the area.

Commissioner Rosen Gonzalez asked why the areas mentioned in the article produced such different results, and why there was such a high level of toxicity.

Mr. Coley replied that they sampled multiple times areas from South Pointe, the Marina, Sunset Harbour, and other locations. There is no toxicity in the bay, there are only bacteria counts being reported. Enterococcus bacteria are deemed unacceptable when regarding full-body immersion into the water, but it is important to note that this bacterium disperses and dies very quickly.

When one particular area has a high bacteria count, it does not provide an accurate report of the overall situation.

Commissioner Rosen Gonzalez asked for other scientists to come in and speak on their findings. If the bay is not taken care of, the City's economy will be ruined. She does not believe that the bay water is safe for swimming, and residents need to be made aware of the amount of bacteria in the water.

Mr. Coley clarified that these tests simply indicate that there is a potential for bacteriological pathogens, they do not provide proof of the pathogen's presence.

Discussion held.

Commissioner Grieco stated that the Miami Herald article was an attack on the Miami Beach Administration, because it made it seem as though the City's pumps were generating fecal matter and putting them in the water, but the fact is that this is the same water that was present before the pumps were installed; the only difference is that back then the waste would go into the bay at a much slower pace. The reason fecal matter is going into the bay via storm water, is because people do not curb their dogs; it is untrue that the sewer and storm water pipes mix. The Miami Herald published this article because having Miami Beach on the front-page sells newspapers. He reaffirmed that he would have never voted in favor of something that would have negatively affected the environment in order to keep the streets dry.

Commissioner Malakoff stated that she had requested staff to have more bags available to facilitate people in curbing their dogs. This would prevent fecal matter ending in the drains and into the bay. She also brought up the problem of grease from restaurants without adequate grease traps. There is a new person who will be responsible of making sure restaurants properly dispose of their grease. This will help resolve issues of grease making it into the waters.

Commissioner Arriola agreed with Commissioner Grieco's statement that it is offensive when the local newspaper publishes reports that are inaccurate. For instance, this City takes great responsibility in reducing and hopefully will eliminate the use of pesticides and herbicides in the City's green spaces and parks, to avoid it getting into the drinking water or storm water.

Commissioner Rosen Gonzalez stated that the pollution in the bay is not a conspiracy theory nor is it a "hit piece." Academics are not politicians seeking gain; this article was written because the scientists care about the bay.

Commissioner Alemán asked if any agency provides oversight to the City's sampling methodology.

Margarita Wells, Environmental Resources Manager, stated that for many years the City has had a robust sampling program. The Department of Environmental Resource of Miami-Dade (DERM) and the Environmental Protection Agency (EPA) oversee the City's environmental efforts. The City is audited on a periodic basis, and has never been informed of an issue with its methodology. She added that there is an interlocal agreement with the County for additional oversight.

Commissioner Alemán added that residents can avoid littering, reduce pesticides, and properly dispose of paint, motor oil and kitchen grease; to help keep the bay clean.

Mayor Levine stated that given that the City has been doing everything according to DERM and EPA, the Miami Herald article in essence is saying that DERM and EPA are not doing their jobs. He added that there is reason to believe the academic who did the study for the Miami Herald is trying to get a contract with the City. He thanked City Manager Morales for writing such a quick response letter to the Miami Herald. He believes the article was sensationalist in order to boost newspaper sales. He asked the City Attorney to take action, and consider demanding a retraction of the article.

Commissioner Rosen Gonzalez does not believe FIU would provide false research, and doubts the article is sensationalist. She wants the record to reflect that only four of the 70 planned pumps have been installed, and the levels of pollution have reached 622 times the level of accepted toxicity.

Mayor Levine respectfully disagreed with Commissioner Rosen Gonzalez, and explained that there are professors from the University of Miami claiming that Miami Beach will soon be under water, but their statements provide very little empirical evidence. He explained that this is a tactic used by people to get attention, sell books, and get on the speakers circuit.

Discussion continued.

Commissioner Grieco made a motion to have the City Attorney seek any avenues they can take to protect the City from not only this issue, but also similar future instances; seconded by Commissioner Alemán. Voice-vote: 6-1; Opposed: Commissioner Rosen Gonzalez. Commissioner Grieco takes issue with the article and the scientific analysis. Commissioner Grieco added that the City still has much more to do in the future to protect itself from the risks of sea level rise, and it takes a great deal of political will to do it. By undermining that political will, that is a major issue. He does not know what the motivations are.

Commissioner Alemán added that sensationalism affects the community, and this tries to create fear; sea level rise creates fear. It shakes people's confidence and negatively affects property values.

End of Agenda

Meeting adjourned at 6:33:09 p.m.