

MIAMI BEACH

**City Commission Meeting
City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive
July 13, 2016**

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

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

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

Meeting called to order at 8:33:00 a.m.

9:09:14 a.m.

Mayor Levine asked for a moment of silent meditation in honor of all the victims of the horrible tragedies that we have seen across our country in the past week, especially in Dallas, Texas involving the loss of Police Officers.

Inspirational Message given by Rafael E. Granado, City Clerk.

Pledge of Allegiance led by Mitch Novick.

ADDENDUM MATERIAL 1:

C6F

ADDENDUM MATERIAL 2:

R7FF R7GG R9V

SUPPLEMENTAL MATERIAL 1:

C7L Revised Memorandum & Resolution
C7T Resolution & Attachment
R5R Memorandum & Ordinance
R7K Memorandum & Resolution
R7X Revised Memorandum & Resolution

SUPPLEMENTAL MATERIAL 2:

C2B Memorandum
C7R Memorandum
R5P Memorandum & Ordinance

SUPPLEMENTAL MATERIAL 3:

C7F Memorandum & Resolution
R7GG Attachment

9:12:44 a.m.**City Clerk's Note:**

Pursuant to Ordinance 2015-3954, Sec. 2-12(3), addendum agenda items C6F, R7FF, R7GG and R9V have been approved by Mayor Levine to be placed on the Commission Agenda. No additional vote is required.

Sec. 2-12(3) Reads:

Addendum agenda items – Any item not included in the agenda submitted to the Mayor and City Commission on the initial print day must be submitted by the City Clerk to the Mayor for a determination whether the item is to be placed on the Agenda as an addendum item. If the Mayor declines to place the item on the agenda as an addendum item, then the item shall be submitted to the City Commission for a vote and the item shall only be considered at the City Commission Meeting upon a finding by the City Commission, by a five-seventh (5/7th) affirmative vote.

9:10:35:00 a.m.

Rafael E. Granado, City Clerk, announced and read into the record, the following corrections, notations, deferrals, withdrawals and separations to the Agenda:

CORRECTION:

Item R7S, on Page 969, first full paragraph, third/fourth line, delete reference to “revenue operation” and replace with “testing phase.”

NOTATIONS:

Commissioner John Elizabeth Alemán was added as Co-Sponsor of item R5K and Sponsor to item C7B.

Commissioner Ricky Arriola was added as Co-Sponsor to items C7B and R5K.

Vice-Mayor Grieco was added as Co-Sponsor to items C4L and R5T.

Commissioner Joy Malakoff was added as Co-Sponsor to items C7U and R9C.

Item R5S has been moved to R9W as a Discussion item: "Discuss Chapter 142, Regulations For Alcoholic Beverage Establishments on Ocean Drive Between 5th And 15th Streets." The First Reading of the Ordinance will occur on September 14, 2016.

DEFERRAL:

Item R7EE

ITEMS WITHDRAWN:

C2A R5F1 R5F2 R5N1 R5N2 R7V R9O

ITEMS SEPARATED:

C7C and C7J separated by Mayor Philip Levine

C4J, C7F and C4M separated by Commissioner John Alemán

C4P and C7L separated by Commissioner Ricky Arriola

C4C separated by Commissioner Joy Malakoff

C4J and C4I separated by Commissioner Kristen Rosen Gonzalez

C4I separated by Vice-Mayor Michael Grieco

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

CONSENT AGENDA**9:14:03 a.m.**

Motion made by Commissioner Malakoff; seconded by Vice-Mayor Grieco to approve the Consent Agenda, except for separated items. Voice-vote: 7-0.

C2 - Competitive Bid Reports

C2A Request For Approval To Issue A Request For Qualifications (RFQ) No. 2016-157-KB For Architectural And Engineering Design Services For Iconic Crosswalk.
(Sponsored by Commissioner Ricky Arriola)
(Legislative Tracking: Procurement/Transportation)

ACTION: Item withdrawn.

SUPPLEMENTAL MATERIAL 2: MEMORANDUM

C2B Request For Approval To Issue Request For Proposal (RFP) No. 2016-148-ND For Standardization Of Variable Frequency Drives In The City's Pump Stations.
(Procurement/Public Works)

ACTION: Request approved. Alex Denis and Eric Carpenter to handle.

C2C Request For Approval To Issue A Request For Proposals (RFP) No. 2016-166-KB For Design/Build Services For Right Of Way Infrastructure Improvement Program For Neighborhood No. 5: La Gorce Neighborhood.
(Procurement/Public Works)

ACTION: Request approved. **Alex Denis and Eric Carpenter to handle.**

C2D Request Approval To Exercise Term Renewal Options On Contracts For Routine Operational Requirements.
(Procurement)

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

C2E Request For Approval To Award A Contract Pursuant To Invitation To Bid (ITB) No. 2016-128-KB For Middle Beach Recreational Corridor (MBRC) Phase II - Section 1 (From 53rd Street To 64th Street).
(Procurement/Capital Improvement Projects)

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

C2F Request Approval To Issue Request For Qualifications (RFQ) 2016-152-WG For Real Estate Brokerage Services.
(Procurement/Tourism, Culture & Economic Development)

ACTION: Request approved. **Alex Denis and Max Sklar to handle.**

C2G Request For Approval To Issue A Request For Qualifications (RFQ) No. 2016-170-KB For Global Positioning System (GPS) Tree Inventory Services.
(Procurement/Environment & Sustainability)

ACTION: Request approved. **Alex Denis and Elizabeth Wheaton to handle.**

C2H Request For Approval To Award A Contract Pursuant To Invitation To Bid (ITB) No. 2016-144-KB For Construction Services For Surface Lot (1A) P2- Penrods.
(Procurement/Capital Improvement Projects)

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

C4 - Commission Committee Assignments

- C4A Referral To The Neighborhood/Community Affairs Committee - Discussion Regarding Partnership With Miami-Dade College And Miami-Dade County Public Schools For The Expansion Of Dual Enrollment Options To Nautilus Middle School And Miami Beach Senior High School.
(Organization Development Performance Initiatives)

ACTION: Item referred. **Morgan Goldberg to place on the Committee Agenda. Dr. Leslie Rosenfeld to handle.**

- C4B Referral To The Neighborhood/Community Affairs Committee - Discussion Regarding Potentially Renaming North Shore Open Space Park.
(Sponsored by Commissioner John Elizabeth Alemán)

ACTION: Item referred. **Morgan Goldberg to place on the Committee Agenda. John Rebar to handle.**

9:31:55:00 a.m.

- C4C Referral To The Neighborhood/Community Affairs Committee - Discussion Regarding Creating An "Adopt-A Bench Program," Similar To The Central Park Model, Where Across The City People Can Buy And Name Benches As A Way To Finance The Beautification Of Parks And Other Extras.

(Sponsored by Commissioner Kristen Rosen Gonzalez)

ACTION: Item referred. Item separated by Commissioner Malakoff. Motion made by Vice-Mayor Grieco; seconded by Commissioner Rosen Gonzalez; Voice vote: 6-1; Opposed: Commissioner Malakoff. **Morgan Goldberg to place on the Committee Agenda. John Rebar to handle.**

Commissioner Malakoff stated that a former City Commission discussed having a tree program, in which people could adopt a tree, and a plaque would then be placed by the tree, and or park bench. She was opposed to this project then, and she opposes it now. She believes that putting plaques on benches will not be good for the City, and in fact, it commercializes the City's green spaces. She would prefer a plaqueless program that would allow people to purchase and plant trees in public parks and spaces in honor of a person or event, and thereafter receives a certificate.

Commissioner Rosen Gonzalez stated that plaques in New York City are done tastefully, and mean a great deal to people, because most of the time they are purchased in memory of someone dear. Additionally, New York City charges \$10,000 per bench. This could be an easy way for the City to raise money for its parks.

Commissioner Arriola agrees that the item should be explored, and does not see controversy in the item, so long as it is done tastefully.

Mayor Levine respectfully disagreed with Commissioner Malakoff on this item, and believes park bench plaques are a good idea.

Commissioner Arriola shared his experience running through New York City's Central Park, and appreciating the City's park benches with their respective plaques.

Vice-Mayor Grieco thinks this item is appropriate, and is happy to move it.

- C4D Referral To The Planning Board To Analyze And Provide The City Commission A Recommendation Relating To An Additional Modification To The Sign Code.
(Sponsored by Commissioner Ricky Arriola)

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

- C4E Referral To The Planning Board - Proposed Ordinance Amendment Pertaining To Demolition Procedures For Single Family Homes.
(Sponsored by Commissioner Joy Malakoff)
(Legislative Tracking: Planning)

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

- C4F Referral To The Planning Board - Proposed Ordinance Amendment Pertaining To Alcoholic Beverage Establishments In The CD-3 District On 41st Street.
(Sponsored by Commissioner John Elizabeth Alemán)
(Legislative Tracking: Planning)

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

- C4G Referral To The Planning Board - Proposed Ordinance Amendment Pertaining To Alcoholic Beverage Establishments In The Sunset Harbor Neighborhood.
(Sponsored by Vice-Mayor Michael Grieco)
(Legislative Tracking: Planning)

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

Handouts and Reference Materials:

1. Email from bruce.backman@yahoo.com dated July 8, 2016 RE: Commission agenda 7/13/16 item C4G proposed Ordinance amendment Sunset Harbour.
2. Email from bruce.backman@yahoo.com dated July 8, 2016 at 10:13 AM, RE: Commission agenda 7/13/16 item C4G proposed Ordinance amendment Sunset Harbour.
3. Email from bruce.backman@yahoo.com dated July 8, 2016 at 10:46 AM, RE: Commission agenda 7/13/16 item C4G proposed Ordinance amendment Sunset Harbour.

- C4H Referral To The Planning Board - Proposed Ordinance Amendment Pertaining To Revisions To The CANDO District In Collins Park.
(Sponsored by Commissioner Ricky Arriola)
(Legislative Tracking: Planning)

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

9:29:10 a.m.

C4I Referral To Planning Board - An Ordinance Amending Chapter 114 Of The City Code, Entitled "General Provisions," Section 114-1, "Definitions," To Define Package Stores; And Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 13, "MXE Mixed Use Entertainment District," By Amending Section 142-544 Thereof, Entitled "Prohibited Uses," To Prohibit Package Stores In The MXE District; And Providing For Repealer, Severability, Codification, And An Effective Date.

(Sponsored by Commissioner Ricky Arriola)

ACTION: Dual referred to the Planning Board and the Land Use & Development Committee. Item separated by Vice-Mayor Grieco and Commissioner Rosen Gonzalez. Motion made by Vice-Mayor Grieco; seconded by Commissioner Alemán; Voice vote: 7-0. **Thomas Mooney to place on the Board Agenda and to handle.**

Vice-Mayor Grieco asked Commissioner Arriola why this item was not going to the Land Use & Development Committee Process.

Commissioner Arriola replied that he agrees the item should go to Land Use as a dual referral.

Vice-Mayor Grieco stated that he would like the City Commission to look into the separation distance between liquor stores, because the distance between these types of stores in Miami Beach is 1/5th the distance allowed in the City of Miami.

Commissioner Rosen Gonzalez mentioned her experience walking on Ocean Drive passing the Ninth Street liquor store, and seeing several arrests being made. She would like this particular liquor store to be shutdown. Additionally, she congratulated Commissioner Arriola for having the item referred to both the Planning Board and the Land Use & Development Committee.

Mitch Novick agreed that liquor stores are problematic on Ocean Drive, but the biggest positive impact in the area would be to reduce the noise, and begin enforcing vehicular noise infractions.

9:15:37 a.m.

C4J Referral To The Finance And Citywide Projects Committee To Discuss Future Uses Or The Potential Sale Of Vacant City-Owned Land Located At 226 87th Terrace.

(Sponsored by Vice-Mayor Michael Grieco)

ACTION: Item deferred. Item separated by Mayor Levine and Commissioners Alemán and Rosen Gonzalez. Motion made by Commissioner Alemán; seconded by Vice-Mayor Grieco to defer the item to the September 14, 2016 City Commission Meeting; Voice vote: 7-0. **Office of the City Attorney to handle.**

Mayor Levine asked for clarification on the item.

Vice-Mayor Grieco stated that the reason he is referring the item is that a group has expressed interest in building a low-rise retail space on City property whether by a joint venture with the City, or a purchase of the City land. He currently does not have an opinion on the matter, but is simply referring it.

Commissioner Rosen Gonzalez suggested waiting until the North Beach Master Plan is approved. She wants to make sure the City gets the right price for the land given that it is 15,000 square feet.

Commissioner Alemán believes that any time there is a potential of public property being sold it must be discussed.

Discussion held.

Commissioner Malakoff agreed to wait until the North Beach Master Plan is presented before discussing this item.

Mayor Levine suggested deferring the item until the September 14, 2016 Commission Meeting.

- C4K Referral To The Land Use And Development Committee - Discuss Potential Ordinance Amendment Addressing Further Restrictions On Illegal Short Term Rentals (STR) In Suite And Condo Hotels.

(Sponsored by Vice-Mayor Michael Grieco)

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

- C4L Referral To The Land Use And Development Committee A Discussion Regarding An Amendment To The West Avenue Overlay To Remove The Current Allowance For Bed And Breakfast And Suite Hotel Uses.

(Sponsored by Commissioner Joy Malakoff and Co-Sponsored by Vice-Mayor Grieco)

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

9:26:07 a.m.

- C4M Referral To The Neighborhood/Community Affairs Committee (NCAC) Regarding A Functional Art Park Incorporating A Non-Traditional Thematic Playground.

(Sponsored by Commissioner John Elizabeth Alemán)

ACTION: Item referred. Item separated by Commissioner Alemán. Motion made by Commissioner Alemán; seconded by Vice-Mayor Grieco to refer the item; Voice vote: 7-0. **Morgan Goldberg to place on the Committee Agenda. John Rebar to handle.**

Commissioner Alemán explained that the reason she separated the item, is that there is a related item on R9Q; she agrees to refer or discuss.

Motion to refer.

No further discussion held.

- C4N Referral To The Neighborhood/Community Affairs Committee To Discuss Changing The Name Of Banyan Park To Tolerance Park.

(Sponsored by Commissioner Ricky Arriola)

ACTION: Item referred. **Morgan Goldberg to place on the Committee Agenda. John Rebar to handle.**

C6 - Commission Committee Reports

- C6A Report Of The June 3, 2016 Finance And Citywide Projects Committee Meeting: **1.** Discussion Regarding An Ordinance Amending Chapter 18 Of The City Code, Entitled "Businesses," By Adding Article XVII, Entitled "City Minimum Living Wage," To Provide For Implementation Of A City-Wide Minimum Hourly Wage; And Amending Chapter 102 Of The City Code, Entitled "Taxation," By Amending Section 102-371, Entitled "Application Procedures[,]" By Adding A Subsection Entitled "(j) Compliance With City Minimum Living Wage" And Providing For Repealer, Severability, Codification, And An Effective Date.

ACTION:

At a specially set meeting on June 3, 2016, members of the Committee heard expert testimony, testimony from the public and City staff, and considered supporting documents entered into the legislative record. At the conclusion of that hearing, the members of the Committee made findings, unanimously endorsed the Ordinance, and returned it to the full commission for Second Reading.

The current minimum wage is \$8.05 per hour, as mandated by the State of Florida's Minimum Wage Act. The Ordinance would raise this rate to \$13.31 per hour by 2020, the rate currently mandated for employees of City contractors pursuant to the City's Living Wage Ordinance (as codified in Miami Beach City Code §2-408). The City's minimum living wage would be set at \$10.31 per hour beginning in 2017, with one dollar an hour increases every year until the rate of \$13.31 was reached on June 30, 2020.

- C6B Report Of The June 6, 2016 Finance And Citywide Projects Committee Meeting: **1.** General Fund CSL Update And Proposed Millage Rate; **2.** Review Of Light Rail/Street Car Project. **3.** Review Of Proposed Capital Budget. **4.** Proposed Uses Of Law Enforcement Trust Funds.

ACTION:**1. General Fund CSL Update And Proposed Millage Rate.**

The preliminary Current Service Level (CSL) based on June 1st property values has a revenue increase of \$17.8 million and an expenditure increase of \$13.5 million for a net surplus of \$4.3 million. The CSL will be updated again following the distribution of the certified taxable values by the Property Appraiser on July 1st. At the July 13th, 2016 Commission meeting, the Commission will set the proposed millage rate for the FY 2016/17 budget process per the State's Truth-in-Millage (TRIM) requirements.

2. Review of Light Rail/Modern Street Car Project

Funds from available balances as of September 30th 2015 were identified for capital Milestone Payments for the Project. Resort Tax, City Center RDA Non Tax Increment funds, and Transportation Concurrency Management Funds were identified as having funds available for appropriation that were eligible for this use. The impacts of the following capital appropriations on other potential projects to be funded will be presented to the Finance and Citywide Projects Committee as part of the prioritization of capital projects:

Resort Tax 2%	\$ 10.0 million
City Center Parking Garage/Shops Surplus Funds*	13.0 million
City Center RDA Other Non-Tax Increment Funds*	8.0 million
Transportation Concurrency Management Funds	5.0 million
Total	\$ 36.0 million
* These funds are not tax increment funds and are not part of the interlocal agreement with Miami Dade County, however, they must be used for portions of the project within the City Center RDA	

In addition, the following revenue streams were identified as possible sources to address the annual Availability Payment.

Resort Tax 2%	\$ 1.5 million
Resort Tax 1% - South Beach Quality of Life	1.0 million
People's Transportation Tax (PTP) Funds	3.0 million
Total	\$ 5.5 million

State and County funding has been assumed at the level that would typically be provided for this type of project at the same level they would provide had the Project achieved Federal funding (25% each), and as allowed under State law for capital costs.

State (Phase 1: 12.5%; Phase 2: up to 50% to average at 25%)	\$ 96.88 million
County 25%	96.88 million
Total	\$ 193. 76 million

There remains a gap between \$2 million and \$18 million per year, depending on the implementation of special assessments and partial use of funds currently committed to the RDA once the RDA expires. Tolls on key roads that provide transportation onto Miami Beach can be considered to provide annual funding for the Project.

The resiliency-related scope of work is estimated at \$25 million and is proposed to be funded from the \$14 million in Storm water proceeds in 2018 and \$11 million in 2014 Miami-Dade County Interlocal agreement funds to be received in 2017.

3. Review of Proposed Capital Budget

Renewal & Replacement is funded by dedicated millage rate:

General Fund	5.6009 mills
Renewal & Replacement	0.1083 mills
Operating Millage Rate	5.7092 mills

- Millage rate generated \$2.7 million in FY 2015/16
- FY 2016/17 assumes \$3 million in revenue generation
- Project requests total \$8.3 million

The proposed project specific appropriations for FY 2016/17 for all Funds, including the General Fund Capital Renewal and Replacement Fund are as follows:

The current dedicated millage of 0.1083 mills (as of FY 2015/16) is estimated to generate \$3,053,235 for the General Fund Capital Renewal and Replacement Fund based on a preliminary 13.5 percent increase in property values. This amount will be updated once final property values are received from the Property Appraiser on July 1st. Revenue of \$3,591,324 is available for funding FY 2016/17 General Fund renewal and replacement projects, as compared to \$8,319,043 requested in projects. At this time, \$2,073,672 of projects is recommended with the remaining amount of \$1,517,562 still available for appropriation.

The updated information was provided to the Commission at the meeting. The funds listed below also have recommended renewal and replacement projects and are anticipated to have sufficient available funding for the projects.

- Parking fund - Capital Renewal and Replacement > \$25,000: eleven projects totaling \$2,311,341
- RDA fund - Capital Renewal and Replacement > \$25,000: six projects totaling \$1,240,000

The Committee noted the following items:

Police Facilities

- Police Station Building
 - New Generator: \$425,000
 - Emergency battery pack Light Renewal \$72,000

General Facilities

- 777 Building – Elastomeric Coating renewal: \$85,500
- Bass Museum – Fire Alarm System: \$167,000

Fire Facilities

- Fire Station #2 – Fire Alarm System: \$113,000
- Fire Station #3 – Emergency Power System : \$99,000
- Fire Station #1 – F2020 - Hazardous Components: \$44,000

Park Facilities

- Scott Rakow
 - Security System: \$57,000
 - Aluminum Windows: \$446,000
 - Fire Alarm System: \$180,000
- South Shore Community Center
 - Switch Gear: \$41,000
 - Electrical Distribution Renewal: \$160,000
 - Fire Alarm Systems: \$112,000

Funding for the Information Communications Technology Projects funded from the General Fund for the FY 2016/17 proposed projects total \$534,000 to be funded by a transfer of \$395,000 (same amount as FY 2015/16) from the General Fund to the Information & Communications Technology Fund and the remaining balance of \$139,000 will be funded by fund balance. Below is a summary of the proposed projects.

- Centralized Video Storage Solution: \$169,000
- Control Room SD & HD Upgrade - Storage Additions: \$120,000
- Miami Beach Rising Above Web Portal: \$120,000
- Parks & Recreation Software: \$75,000
- Audit Management Software: \$39,000

- Power Document Management Software: \$11,000

Convention Center: The total funding of \$603.3 million for the project is broken down as follows:

- County G.O. Bonds previously appropriated \$54.4 million
- 1% Resort Tax Bonds: \$216.6 million
- RDA Bonds: \$267.5 million
- Parking Bonds: \$64.8 million

City Center RDA: The RDA extension agreement with the County in FY 2014/15 extends the RDA through 2044 and eliminated funding for additional capital projects in future out years. The net surplus funds after operating expenses are to be used to cover debt service payments for the Convention Center bonds.

South Pointe Capital: County agreement payment schedule assumes 3.5 percent increase in taxable value. Funds are earmarked for Stormwater projects.

FY 2016	188,000
FY 2017	5,319,000
FY 2018	15,056,000
FY 2019	11,862,000
FY 2020	7,419,000
FY 2021	15,633,000
FY 2022	5,975,000

Quality of Life Funds: Funded by 1 percent Resort Tax revenues and are earmarked for tourism-related projects covering 3 geographic areas: North, Mid, South beaches (15% or \$2,085,000 each). Also includes allocations for Arts (10% or \$1,391,000) and Transportation (45% or \$6,256,000) projects for a total of \$13,902,000.

North Beach proposed projects:

- Rue Vendome Public Plaza; \$1,000,000
- Allison Park: redesign; \$832,000
- North Shore Tennis Center Proshop/Office; \$512,000
- Street Lighting Improvements; \$333,000
- Kayak Launch Docks; \$275,000
- Lifeguard Stands replacement; \$240,000
- North Beach Streetscape: pilot project; \$230,000
- 81st Street Bridge: pedestrian area; \$150,000
- North Shore Tennis Court: sounds barrier walls; \$125,000
- Bonita Drive: street end improvements; \$100,000
- Collins & Harding Avenue: alleyway reconstruction; \$100,000
- North Beach Bridges: painting and lighting; \$60,000
- North Shore Park Playground: safety surface; \$47,000
- Standardized Park benches, picnic tables and trash receptacles; \$27,000
- 71st Eastern Street End: improvement design study; \$25,000

Mid Beach proposed projects:

- Middle Beach Recreation Corridor: phase III; \$2,200,000
- Muss Park Facility; \$1,400,000
- Lifeguard Stands replacement; \$240,000
- Indian Beach Playground Replacement; \$229,000

- Miami Beach Golf Course: golf cart staging area enhancement; \$65,000
- Miami Beach Golf Course: front-end loader; \$49,000
- Standardized Park benches, picnic tables and trash receptacles; \$30,000

South Beach proposed projects:

- Española Way Conversion between Washington; \$1,978,813
- Lifeguard Stands replacement; \$720,000
- Ocean Drive Extended Sidewalk Projects; \$405,000
- Street Lighting Improvements; \$333,000
- South Beach Pedestrian Priority Zones; \$300,000
- Maurice Gibb Park: floating dock; \$177,000
- Lummus Park Muscle Beach Upgrade; \$125,000
- Botanical Gardens: additional new lighting; \$30,000
- Standardized Park benches, picnic tables and trash receptacles; \$28,000

The People's Transportation Plan was imposed in 2002 and is funded by the Half-Cent Transit sales tax where 20 percent of proceeds are distributed directly to municipalities on a pro-rata basis. Funds are used for local transportation and transit projects. A minimum of 20% of the City's PTP share must be allocated for transit. In FY 2015/16, PTP funding was projected to be \$3.89 million, which is used to operate the South Beach Local, North and Mid Beach Trolleys. \$930,000 from fund balance is proposed for the following projects:

- West Avenue Protected Bike Lanes; \$530,000
- 72nd Street Protected Bike Lane; \$200,000
- 73rd Street Protected Bike Lanes; \$200,000

A breakdown of projects funded by other funds includes:

- Art in Public Places
 - AIPP Convention Center Renovation; \$6.25 million
- Concurrency Mitigation
 - Light Rail/Modern Streetcar; \$5 million
- Parking Impact Fees
 - Parking Garage Washington & 10th; \$4.2 million
 - New Garage 2660 Collins Ave; \$630,000
- Resort Tax Fund (2%)
 - Light Rail/Modern Streetcar; \$10 million
- Non-TIF RDA
 - Light Rail/Modern Streetcar; \$8 million
 - City Center Resiliency Enhancement; \$1 million
- RDA – Garage Funds
 - Light Rail/Modern Streetcar; \$7 million
- RDA – Anchor Shops
 - Light Rail/Modern Streetcar; \$6 million
- Programming to expend General Obligation (GO) bond fund balances
 - 2003 Parks & Beaches
 - Park View Islands; \$197,838 (reassigned from PAYGO)
 - 2003 G.O. Bonds – Neighborhood Improvements
 - Central Bayshore – South; \$576,000
 - Two Way Conv of 42nd St - Sheridan Ave to Pinetree; \$510,000
 - Bayshore Neighborhood - Bid Pack A; \$173,738 (reassigned from PAYGO)
 - 42nd Street Green Bicycle Lanes Painting / Striping; \$150,000
 - Bay Drive Neighborhood Greenway; \$100,000

Pay-As-You-Go (PAYGO): Funded from the General Fund at \$2.4 million annually (allocation was increased from \$1.4 million to \$2.4 million in FY 2015/16) and was previously funded at as high as \$7.5 million. PAYGO ensures adequate on-going reinvestment in capital plant and equipment, has no restrictions, and is used after all other funding sources exhausted.

Recommended project highlights:

- Aluminum Street lighting Pole Replacement: \$1,000,000
- Fairway Park: \$1,000,000
- Soundscape Park Concession: \$800,000
- Citywide Park Irrigation System Upgrade: \$170,000
- Office of Communications Remodel: \$150,000
- Ocean Rescue 79st Sub Headquarters Trailer Replacement: \$150,000
- Neighborhood Basketball Court Renovation: \$67,000
- Sky Watch Tower Refurbish: \$61,000
- Neighborhood Tennis Court Renovations: \$39,000
- Palm Island Tennis Court Fencing: \$32,000

Need for additional PAYGO funding continues as neighborhood improvement projects costs have increased over time, Stormwater projects are generating needs for above ground projects for lighting, landscaping, sidewalks, signage, traffic markings. Additionally, Lighting and Crime Prevention through Environmental Design (CPTED) improvements in non-tourist areas (park projects in non-tourist areas, seawalls) will have funding needs.

4. Proposed Uses of Law Enforcement Trust Funds

The September 30, 2015 available balances, net of FY 2015/16 appropriations and revenue collections are approximately \$387,000 in Federal Funds and \$545,000 in State Funds. Of these available balances, the FY 2016/17 request from Federal funds totals \$215,000 and \$87,000 from State funds for a total of \$302,000.

The City administration is recommending funding for proposed FY 2016/17 uses of Law Enforcement Trust Funds as shown below:

Proposed use of Federal Funds:	
Organizational Development Travel & Off-site testing	\$ 70,000
Training Supplement to supplement LETTF	70,000
Bulletproof Vest Partnership	50,000
Graffiti eradication through Teen Job Corp.	25,000
Gym Equipment	
Total Funds	\$ 215,000
Proposed use of State Funds:	
Cost connected with the prosecution/processing of forfeitures.	\$20,000
Crime Prevention initiatives & School Liaison Projects	20,000
AR Rifle Program/initiative- City's match for reimbursement of rifles at \$500	15,000
15% of State funds collected in FY15 to be used for drug abuse treatment, drug and crime prevention education and non-profit community based programs.	22,000
Gym Equipment	10,000
Total Funds	\$ 87,000

C6C Report Of The June 10, 2016 Neighborhood/Community Affairs Committee Meeting: **1.** Discussion Regarding Citywide Street Light And Coverage Audit. **2.** Discussion Regarding Proposed Site Options For New Fire Station No. 1. **3.** Discussion Regarding The Possible Addition Of A Skate Park In North Shore Open Space Park **4.** Traffic Management Alternatives Discussed At The February 24, 2016 Commission Workshop On Traffic Management - Corridor Optimization For Traffic Signals Along Harding Avenue/Abbott Avenue/Indian Creek Drive. **5.** Discussion Regarding I-95 Express Lane Access To The Julia Tuttle Causeway. **6.** Discussion On Battle At The Beach. **7.** Monthly Crime Update. **8.** 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. **9.** Six Proposed Art In Public Places (AiPP) Projects For Placement At The Miami Beach Convention Center Renovation And Expansion Project (Miami Beach Convention Center Project). **10.** Discussion On The Condition Of Miami Beach Sidewalks. **11.** Discussion On The Possibility Of Making Improvements/ Enhancements To The Police North Beach Sub Station Also Known As The NESS. **12.** Discussion Regarding Healthier Snacks In Our Vending Machines. **13.** Discuss The Installation Of Sunscreen Dispensers In All Parks And Pools Where Children Programs Are Managed By The City. **14.** Presentation And Discussion On The City Of Miami Beach Intelligent Transportation System And Smart Parking System Project. **15.** Discussion Regarding The Use Of Auto Return's Tow Technology On Miami Beach. **16.** Discussion Regarding Miami Beach United (MBU) "Residents' Right To Know" Proposal. **17.** Discussion Regarding Renaming Convention Center Drive To "Muhammad Ali Drive" And Authorizing The Creation Of A Statue Of Muhammad Ali To Be Place Either In The New Miami Beach Convention Center (Miami Beach Convention Center) Park Or Inside The Renovated Miami Beach Convention Center.

ACTION:

1. Discussion Regarding Citywide Street Light And Coverage Audit.

MOTION: Vice-Mayor Steinberg motioned to start the procurement process that was explained to get the best deal for the City. Commissioner Rosen Gonzalez seconded. All in favor.

2. Discussion Regarding Proposed Site Options For New Fire Station No. 1.

MOTION: Vice-Mayor Steinberg motioned for this to come back to the July 2016 Neighborhood/Community Affairs Committee (NCAC) Meeting with the recommendations that Commissioner Malakoff said including the analysis of the current site and giving the Fire Department what they need, not taking away greenspace, and causing the least disruption. Vice-Mayor Grieco seconded.

3. Discussion Regarding The Possible Addition Of A Skate Park In North Shore Open Space Park
DIRECTION: Come back to the September 2016 Neighborhood/Community Affairs Committee (NCAC) meeting, unless something comes up in the interim.

4. Traffic Management Alternatives Discussed At The February 24, 2016 Commission Workshop On Traffic Management - Corridor Optimization For Traffic Signals Along Harding Avenue/Abbott Avenue/Indian Creek Drive.

DIRECTION: Come back to the September 2016 Neighborhood/Community Affairs Committee (NCAC) Meeting.

5. I-95 Express Lane Access To The Julia Tuttle Causeway.

NO ACTION TAKEN

6. Discussion On Battle At The Beach.

DIRECTION: Come back to the July 2016 Neighborhood/Community Affairs Committee (NCAC) Meeting.

7. Monthly Crime Update.**NO ACTION TAKEN**

8. Mitch Novick's "Minority" Report, & Recommendation Re: Deterioration Of Quality Of Life In The MXE District, Ocean Drive, Collins Ave & Surrounding Neighborhood.

MOTION: Commissioner Rosen Gonzalez motioned to have the park rangers expanded to Lummus Park. Vice-Mayor Steinberg seconded.

VOTE OF ACCALAMATION TO MOVE THIS TO THE COMMISSION AS A DISCUSSION ITEM REGARDING THE Neighborhood/Community Affairs Committee (NCAC) RECOMMENDATION ON IMMEDIATE LAW ENFORCEMENT ENHANCEMENTS AS DISCUSSED

9. Six Proposed AiPP Projects For Placement At The Miami Beach Convention Center Renovation/Expansion Project. **MOTION:** Commissioner Rosen Gonzalez motioned to move this to the Commission for approval. Vice-Mayor Grieco seconded. All in favor.

10. Discussion On The Condition Of Miami Beach Sidewalks.

DIRECTION: Defer to July 15, 2016 Neighborhood/Community Affairs Committee (NCAC) Meeting.

11. Possibility Of Making Improvements/Enhancements To Police North Beach Sub Station (NESS).

VOTE OF ACCLAMATION TO MOVE TO THE FULL COMMISSION WITH RECOMMENDATION TO EXPLORE OPTIONS

12. Discussion Regarding Healthier Snacks In Our Vending Machines.

DIRECTION: Defer to July 15, 2016 Neighborhood/Community Affairs Committee (NCAC) Meeting.

13. Installation Of Sunscreen Dispensers In Parks & Pools Where Children Programs Are Managed By The City.

DIRECTION: Defer to July 15, 2016 Neighborhood/Community Affairs Committee (NCAC) Meeting.

14. The CMB Intelligent Transportation System And Smart Parking System Project.

MOTION: Vice-Mayor Steinberg motioned to move this to the full Commission with the recommendations that were made. She would like to discuss some things between now and the next Commission Meeting. Vice-Mayor Grieco seconded. All in favor.

15. Discussion Regarding The Use Of Auto Return's Tow Technology On Miami Beach.

DIRECTION: Defer to July 15, 2016 Neighborhood/Community Affairs Committee (NCAC) Meeting.

16. Discussion Regarding Miami Beach United (MBU) "Residents' Right To Know" Proposal.
DIRECTION: Defer to July 15, 2016 Neighborhood/Community Affairs Committee (NCAC) Meeting.

17. Renaming Convention Center Drive To "Muhammad Ali Drive" & Authorizing The Creation Of A Statue Of Muhammad Ali To Be Place Either In The New Miami Beach Convention Center Park Or Inside The Renovated Miami Beach Convention Center.

DIRECTION: Defer to July 15, 2016 Neighborhood/Community Affairs Committee (NCAC) Meeting.

C6D Report Of The June 15, 2016 Land Use And Development Committee Meeting: **1.** Ordinance Amendments For Transit Intermodal Facilities: **A).** CDMP Amendment Implementing The Transit Intermodal Facilities Component Of The Transportation Master Plan; And **B).** Amendments To The Land Development Regulations Of The City Code Regarding Height And Accessory Use Requirements For Main Use Parking Structures And Transit Intermodal Facilities. **2.** Discussion Pertaining to Development Regulations And Guidelines for New Construction In the Palm View Historic District To Address Resiliency, Sustainability and Adaptation. **3.** Discussion Regarding Future Rooftop And Deck Accessory Bar Uses In The Sunset Harbour Neighborhood. **4.** Discussion Regarding Incentivizing The Retention, Raising And/Or Relocation Of Historic/ Architecturally Significant Single Family Homes (SFH). **5.** An Ordinance Amendment Pertaining To Alcoholic Beverage Establishments In The CD-3 District On 41st Street, In Order To Address Compatibility Issue With Surrounding Residential Districts. **6.** Discussion Regarding A Proposed Ordinance Change For North Beach Town Center Districts. **7.** Discussion Regarding Revising The Cultural Arts Neighborhood District Overlay (CANDO). **8.** An Ordinance Amending Chapter 142 Of The City Code As It Pertains To Alcoholic Beverage Establishments On The West Side Of Alton Road And The South Side Of 17th Street. **9.** Single Family Demolition Procedures. **10.** Proposed Miami Beach Marina Redevelopment and Associated Legislative Changes. **11.** Discussion Regarding The Recommendation Of The Neighborhood/Community Affairs Committee To Establish More Aggressive Requirements For Employee Transportation Plans. **12.** CMB Preparations for Likely Passage of State Medical Marijuana Constitutional Amendment. **13.** An Amendment To Sec 142-1111 Of The City Code, To Address The Eligibility Requirements For The Short-Term Rental Of Apartment Units Within The Collins Waterfront Local Historic District. **14.** Discussion Regarding Exploring Limiting Package Store Alcohol Sales To Earlier Than 10:00 a.m., As Recommended By The Miami Beach Homeless Committee.

ACTION:

1. Ordinance Amendments For Transit Intermodal Facilities:

A). CDMP Amendment Implementing Transit Intermodal Facilities Component Of The Transportation Master Plan; &

B). Amendments To The LDR Of The City Code RE: Height & Accessory Use Requirements For Main Use Parking Structures And Transit Intermodal Facilities.

MOTION: 3/0 (JA-MG)

Recommend that the City Commission refer an Ordinance to the Planning Board via an R9 discussion item on July 13, 2016. The Ordinance shall include provisions for transit facilities as both an accessory to a main use garage, as well as a main use, including applicable parking requirements and a city designation as a transit facility.

City Clerk's Note: See Agenda Item R5F1 and R5F2 (Note, these items have been withdrawn).

2. Development Regulations * Guidelines for New Construction In the Palm View Historic District To Address Resiliency, Sustainability and Adaptation.

MOTION: Staff directed to coordinate outreach meetings with area residents. Item continued to September 21, 2016 by Acclamation.

3. Future Rooftop And Deck Accessory Bar Uses In The Sunset Harbour Neighborhood.

MOTION: MG/JA (3-0)

Recommend that the City Commission refer the Ordinance to the Planning Board, with the following revisions:

- a. The rooftop portion of the regulations comport with the requirements in place for the area south of Fifth Street;
- b. Outdoor speakers be permitted to play ambient, background music;
- c. An exceptions clause be added to the legislation

4. Incentivizing The Retention, Raising And/Or Relocation Of Historic/ Architecturally Significant Single Family Homes (SFH).

MOTION: Continue to September 21, 2016 by Acclamation.

5. An Ordinance Amendment Pertaining To Alcoholic Beverage Establishments In The CD-3 District On 41st Street, In Order To Address Compatibility Issue With Surrounding Residential Districts.

MOTION: JA/JM (2.0)

Recommend that the City Commission refer the Ordinance to the Planning Board, with and exceptions clause.

6. Discussion Regarding A Proposed Ordinance Change For North Beach Town Center Districts.

MOTION: JA/MG (3-0)

Recommend approval of the Ordinance and that the entire TC-1 area be included, inclusive of the setback requirements recommended by Dover Kohl.

7. Discussion Regarding Revising The Cultural Arts Neighborhood District Overlay (CANDO).

MOTION: JA/MG (3-0)

Recommend that the City Commission refer the Ordinance to the Planning Board with modifications to the north boundary, the non-amplified section of the Ordinance and that the name be changed to the "Collins Park Arts District Overlay".

City Clerk's Note: See Agenda Item C4H.

8. An Ordinance Amending Chapter 142 Of The City Code As It Pertains To Alcoholic Beverage Establishments On The West Side Of Alton Road And The South Side Of 17th Street.

MOTION: Continue to July 20, 2016 by Acclamation.

9. Single Family Demolition Procedures.

MOTION: MG/JA (3-0)

Recommend that the City Commission refer the item to the Planning Board with a modification that Florida Friendly materials be required in place of sod.

10. Proposed Miami Beach Marina Redevelopment and Associated Legislative Changes.

MOTION: JA/MG (3-0)

Defer the item to September 21,2016

11. Recommendation Of Neighborhood/Community Affairs Committee (NCAC) To Establish More Aggressive Requirements For Employee Transportation Plans.

MOTION: Continue to July 20, 2016 by Acclamation

12. CMB Preparations for Likely Passage of State Medical Marijuana Constitutional Amendment.

MOTION: Continue to September 21, 2016 by Acclamation

13. An Amendment To Sec 142-1111 Of The City Code, To Address The Eligibility Requirements For The Short-Term Rental Of Apartment Units Within The Collins Waterfront Local Historic District.

MOTION: JA/MG (3-0)

Recommend that the Ordinance be approved by the Planning Board.

NOTE: This item was a dual referral to BOTH the Land Use & Development Committee and the Planning Board.

14. Exploring Limiting Package Store Alcohol Sales To Earlier Than 10:00 a.m., As Recommended By The Miami Beach Homeless Committee.

MOTION: 3-0 (MG/JM)

Recommend that a draft Ordinance be prepared and to continue the item to the July 20, 2016 meeting.

C6E Report Of The June 15, 2016 Sustainability And Resiliency Committee Meeting: **1) Mayor's Blue Ribbon Panel On Flooding And Sea Level Rise - Update. 2) Sustainability Committee - Update 3) Resiliency Strategy - Update. 4) Discussion On Prohibiting Contractors From Using Roundup And Other Chemicals Labeled As Carcinogens In Public Spaces. 5) Discussion On The Elimination And/Or Phasing Out Of Gas-Powered Leaf Blowers. 6) Discussion On The Seabin Project As An Option To Reduce Litter In The City's Waterways. 7) Discussion Regarding How Green Infrastructure Including Living Or Hybrid Shorelines Can Complement Grey Infrastructure In Our Climate Adaptation On Going Work. 8) Discussion To Consider Establishing A City Sustainable Procurement Policy. 9) Discussion On Charging A 5¢ Fee On Plastic Bags Similar To That Approved By The New York City Council. 10) Discussion On Stormwater Best Management Practices. 11) Discussion On The City's Anti-Idling Policy. 12) Discussion Regarding Exploring The Use Of Triodetic's Tube And Hub Technology To Raise A Municipal Building As A Prototype For Residents.**

ACTION:

1) Mayor's Blue Ribbon Panel On Flooding And Sea Level Rise - Update.

ACTION: No further action taken.

2) Sustainability Committee - Update

ACTION: No further action taken.

3) Resiliency Strategy - Update.

ACTION: No further action taken.

4) Prohibiting Contractors From Using Roundup & Other Chemicals Labeled As Carcinogens In Public Spaces.

ACTION: Greenspace Division to present design concept in September with enhancements and ideas for the City Hall area. Education and outreach signage will be developed in collaboration with the Miami Beach Botanical Garden.

5) Elimination And/Or Phasing Out Of Gas-Powered Leaf Blowers.**ACTION:** No further action taken.**6) Seabin Project As An Option To Reduce Litter In The City's Waterways.****ACTION:** Item continued to the July 20, 2016 Sustainability and Resiliency Committee.**7) How Green Infrastructure Including Living Or Hybrid Shorelines Can Complement Grey Infrastructure In Our Climate Adaptation On Going Work.****ACTION:** Staff to provide an update on projects and additional opportunities for living shorelines. This includes concepts for small artificial reefs. Continued to the September Sustainability and Resiliency Committee.**8) Consider Establishing A City Sustainable Procurement Policy.****ACTION:** Item deferred to the July 20, 2016 Sustainability and Resiliency Committee.**9) Charging A 5¢ Fee On Plastic Bags Similar To That Approved By The New York City Council.****ACTION:** Item deferred to the July 20, 2016 Sustainability and Resiliency Committee.**10) Discussion On Stormwater Best Management Practices.****ACTION:** Item continued to the July 20, 2016 Sustainability and Resiliency Committee.**11) Discussion On The City's Anti-Idling Policy.****ACTION:** Item continued to the July 20, 2016 Sustainability and Resiliency Committee.**12) Exploring The Use Of Triodetic's Tube And Hub Technology To Raise A Municipal Building As A Prototype For Residents.****ACTION:** Item deferred to the July 20, 2016 Sustainability and Resiliency Committee.**ADDENDUM MATERIAL 1**

C6F Report Of The June 17, 2016 Finance And Citywide Projects Committee Meeting: **1.** Discussion Regarding Whether Or Not To Pursue Food And Beverage Concessions For Soundscape Park, Collins Park, And The Miami Beach Botanical Garden. **2.** Discussion Regarding The Proposed Site Options For The New Fire Station No. 1. **3.** Discussion Seeking Citywide Wi-Fi Solutions And CMB Becoming Its Own Internet Service Provider. **4.** Discussion Regarding The Vacation Of A Portion Of The Alley Between Alton Road And West Avenue, Just South Of 17th Street – As Part Of A Proposed Mixed Use Project That Will Include Residential, Retail And Structured Parking, Including Public Parking. **5.** Discussion Regarding Implementing An Open Data Policy. **6.** Discussion Regarding Miami New Drama Becoming The Resident Theater And Venue Manager For The Colony Theater As A Pilot Program. **7.** Discussion Regarding The Creation Of The City Of Miami Beach Transportation Fund. **8.** Discussion To Consider The Closed Captioning For The Hearing Impaired Of The City's Video-Recorded Meetings And Events. **9.** Discussion Regarding A Competition Swimming Pool. **10.** Discussion Regarding Advertising Opportunities Within Municipal Parking Garages And Not Visible From The Right-Of-Way. **11. A.** Discussion Regarding 300 Alton Road. **B.** Discussion Regarding Proposed Miami Beach Marina Development Agreement. **12.** Discussion To Consider Televising All City Special Master Hearings. **13.** Discussion To Work With Miami-Dade County Public Schools (MDCPS) To Assess The Viability And Interest In A City Of Miami Beach School Bus Service Within The 2-Mile Boundary Of School Bus Service Provided By MDCPS. **14.** Discussion Relating To City Clerk Rafael E. Granado's Annual Performance Evaluation. **15.** Discussion Regarding A Review Of The Fine Schedule For Littering On The Beach. **16.** Discussion Regarding A City Employee Healthy Cafeteria. **17.** Discussion On Increasing The Living Wage Rate For Fiscal Year 2016-2017 In Accordance With City Code's General Ordinances, Chapter 2, Article VI, Division 6,

Section 2-408. **18.** Discussion Regarding Building A Satellite City Center At The North Beach Police Station. **19.** Discussion Regarding City Attorney's Annual Review/Contract Renewal. **20.** Discussion Regarding The Exchange Of Property With The Owner Of 5860 North Bay Road In Order To Resolve The Existing Boundary Lines, And The Location Of A Future City Pump Station And Sewer Line. **21.** Discussion Regarding The Bass Museum Budget Enhancement. **22.** Discussion Regarding Payment To Bass Museum Of \$150,000 Towards The Programming In The Newly Added Renovated Exhibition Space. This Is Reimbursement Of Permitting And Parking Fees For The New Construction. **23.** Discussion Regarding A Lease Agreement With Crown Castle Solutions. **24.** Discussion Regarding The Data And Analysis Required For The Equivalent Residential Unit (ERU) Methodology Changes. **25.** Discussion Regarding Change Orders Protocol/Policy For Construction Projects. **26.** Discussion Regarding The Collins Park Parking Garage Project. **27.** Discussion Regarding The Use Of Auto Return's Tow Technology On Miami Beach.

1. Whether Or Not To Pursue Food & Beverage Concessions For Soundscape Park, Collins Park, And The Miami Beach Botanical Garden.

ACTION: Item deferred.

2. Discussion Regarding The Proposed Site Options For The New Fire Station No. 1.

ACTION: The Committee recommended that staff bring back an option that provides at least 18 spaces plus the 32 spaces needed for the fire station and within the remainder 35 feet to get as many additional parking spaces as possible.

3. Seeking Citywide Wi-Fi Solutions And CMB Becoming Its Own Internet Service Provider.

ACTION: Item deferred.

4. The Vacation Of A Portion Of Alley/Alton Road & West Avenue, Just South Of 17th Street

ACTION: The Committee discussed the items to be included with the vacation of the alley including providing new water and sewer lines, undergrounding the utilities, and paving the entirety of Alton Court from 17th Street to Lincoln Road. The Developer provided that the public benefit was the creation of public parking spaces although they could not give an exact number. There was discussion regarding the appraised values and the Committee used a base price of \$475 per square feet and applied a 30o/o discount as the Developer was prohibited from placing anything other than a bridge across the two parcels and could not utilize the first floor due to maintaining vehicular access. The Committee approved the monetary contribution of \$665,000 and moved the item to the full Commission.

5. Discussion Regarding Implementing An Open Data Policy.

Item removed from the agenda since it was heard at the Commission Meeting on June 8, 2016 under agenda item R9N.

6. Miami New Drama Becoming Resident Theater & Venue Manager For Colony Theater.

ACTION: Item deferred.

7. Discussion Regarding The Creation Of The City Of Miami Beach Transportation Fund.

ACTION: The Committee recommended that staff explore, as part of the enhancements in the Fiscal Year 2017 (FY 2017) budget process, if there is funding available to establish a Transportation Trust Fund. The Committee made a motion to dedicate 20% of one-time in unrestricted payments to the city of Miami Beach to a transportation capital trust fund. In addition, the motion directed that dedicating a percentage of the general fund budget to fund transportation operations and maintenance costs should be evaluated as part of the budget development process.

8. Closed Captioning For The Hearing Impaired Of City's Video-Recorded Meetings & Events.**ACTION:** Item deferred.**9. Competition Swimming Pool.****ACTION:** Item deferred.**10. Advertising Opportunities Within Municipal Parking Garages & Not Visible From ROW.**

The Committee recommended that staff start small by bringing back to the Finance Committee display options and financial figures within 60 days.

11.**A. Discussion Regarding 300 Alton Road.****B. Discussion Regarding Proposed Miami Beach Marina Development Agreement.****ACTION:** Item deferred.**12. Discussion To Consider Televising All City Special Master Hearings.**

The Committee recommended that staff start with airing the special master short term rentals for a pilot period of 90 days. Funding is to be considered as part of the FY 2017 budget process to air all of the City's special master hearings.

13. Work With MDCPS To Assess Viability & Interest In CMB School Bus Service.**ACTION:** Item deferred.**14. Discussion Relating To City Clerk Rafael E. Granado's Annual Performance Evaluation.****ACTION:** Item deferred.**15. Discussion Regarding A Review Of The Fine Schedule For Littering On The Beach.****ACTION:** Item deferred.**16. Discussion Regarding A City Employee Healthy Cafeteria.**

ACTION: The Committee recommended that staff bring this item back to the Finance Committee after meeting with the potential tenant on the options for food and costs.

17. Discussion On Increasing The Living Wage Rate For Fiscal Year 2016-2017.

ACTION: The Committee recommended not indexing the hourly wage rate paid to employees of City contractors, which currently stands at a rate of \$1 1.62/hour with health benefits of at least \$1.69/hour, and \$13.31/hour without benefits.

18. Discussion Regarding Building A Satellite City Center At The North Beach Police Station.**ACTION:** Item deferred.**19. Discussion Regarding City Attorney's Annual Review/Contract Renewal.****ACTION:** Item deferred.**20. Exchange Of Property With Owner Of 5860 North Bay Road/Location Of A Future City Pump Station And Sewer Line.****ACTION:** Item deferred.**21. Discussion Regarding The Bass Museum Budget Enhancement.**

ACTION: The Committee recommended moving forward with including the \$560,000 funding request in the FY 2017 budgeting process.

22. Payment To Bass Museum Of \$150,000 Towards The Programming In The Newly Added Renovated Exhibition Space.

ACTION: The Committee recommended and a one-time contribution of \$150,000 towards the programming and the newly added renovated exhibition space.

23. Discussion Regarding A Lease Agreement With Crown Castle Solutions.

ACTION: The Committee recommended moving forward with a lease agreement with Crown Castle Solutions LLC (Lessee) having a term of nine (9) years and 364 days (without any renewal options); said Lease permitting Lessee to install and maintain, at its sole cost and expense, a small cell network system at the Miami Beach Convention Center, including a Distributed Antennae System (DAS), equipment at a radio space, and all associated telecommunications cables and connections, having a value of approximately \$1 million; permitting Lessee to sublease the radio space and DAS system to third party telecommunications companies, at lessees sole option; and further providing the City with an up-front fee of \$25,000, plus monthly payments equal to twenty-five percent (25%) of the monthly recurring gross receipts collected by lessee.

24. Discussion Regarding The Data And Analysis Required For The Equivalent Residential Unit (ERU) Methodology Changes.

ACTION: The Committee recommended that staff meet with each of the Commissioners and provide a better understanding of the Equivalent Residential Unit (ERU) figures. The item is to be presented at the next Commission Meeting with the updated options for storm water rates. The storm water methodology will also be further discussed at the Commission meeting and that is when it will be determined if this item needs to be brought back to the Finance Committee.

25. Discussion Regarding Change Orders Protocol/Policy For Construction Projects.

ACTION: Item deferred.

26. Discussion Regarding The Collins Park Parking Garage Project.

ACTION: Item deferred to July meeting.

27. Discussion Regarding The Use Of Auto Return's Tow Technology On Miami Beach.

ACTION: Item deferred to July meeting.

C7 - Resolutions

C7A A Resolution Approving And Authorizing The City Manager, Or His Designee, To Apply For, Accept, And Appropriate Funding (Including Matching Funds And Any Related City Expenses), And Execute Any And All Documents Or Agreements In Connection With The Following Grants And Funding Requests: 1) Miami-Dade County FY 16/17 Edward Byrne Memorial Justice Assistance Grant (JAG) Program For Funding In The Approximate Amount Of \$15,000 For The City's Police Department Initiatives; 2) Miami-Dade County Homeless Trust, In The Approximate Amount Of \$64,000, For The City's Homeless Outreach Program; And Retroactively For: 3) Miami Beach Visitor And Convention Authority (VCA) For Funding In The Amount Of \$100,000 For The City's Licensing And Merchandising Strategic Plan.

(Budget & Performance Improvement)

ACTION: Resolution 2016-29462 adopted. Cintya G. Ramos to appropriate the funds if accepted. Judy Hoanshelt to handle.

- C7B A Resolution Accepting The Recommendation Of The City Manager And Waiving, By 5/7th Vote, The City's Competitive Bidding Requirement, Finding Such A Waiver To Be In The Best Interest Of The City, And Approving And Authorizing The City Manager To Finalize Negotiations And Execute (In A Form That Is Acceptable To The City Attorney) An Agreement With The Beanstalk Group In An Amount Not To Exceed \$145,000.

(Communications)

(Sponsored by Commissioner John Elizabeth Alemán and
Co-Sponsored by Commissioner Ricky Arriola)

ACTION: Resolution 2016-29463 adopted. Tonya Daniels to handle.

9:14:16 a.m.

- C7C A Resolution Approving And Authorizing The City To Accept A Sponsorship, Valued At \$20,000, From The Swatch Group, Inc., For Volleyball Nets To Be Installed On The City's Volleyball Courts Located At Two Sites On Ocean Drive (At 8th Street And 12th Street).

(Communications)

ACTION: Item separated by Mayor Levine. **Resolution 2016-29464 adopted.** Motion made by Commissioner Arriola; seconded by Commissioner Alemán; Voice vote: 6-1; Opposed: Commissioner Steinberg. **Tonya Daniels to handle.**

Mayor Levine asked if his colleagues were concerned with the level of advertising and sponsorship they are allowing in the City.

Mayor Levine stated that he was in favor of this item.

Commissioner Steinberg announced that she would be voting in opposition.

No further discussion took place.

- C7D A Resolution Granting And Authorizing The Mayor And City Clerk To Execute A Perpetual Non-Exclusive Easement Between The City And The State Of Florida Department Of Transportation ("FDOT"), Attached Hereto As Exhibits 1, For The Purpose Of FDOT Constructing, Maintaining And Repairing A Portion Of Alton Road On City Property Known As The "Miami Beach Golf Course," Located At 2301 Alton Road, Along The East Side Of Alton Road From Michigan Avenue To 581 Feet Towards The North.

(Public Works)

ACTION: Resolution 2016-29465 adopted. Eric Carpenter to handle.

- C7E A Resolution Approving And Authorizing The City Manager And City Clerk To Execute Amendment No. 3 To The Professional Services Agreement Between The City And Advanced Data Processing, Inc. D/B/A Intermedix; Said Amendment Extending The Agreement, On A Month To Month Basis, Commencing On September 16, 2016, For A Term Not To Exceed One Year Or Until Such Time As A New Agreement Is Executed Pursuant To A New Procurement Process, Whichever Occurs First.

(Fire)

ACTION: Resolution 2016-29466 adopted. Fire Chief Virgilio Fernandez to handle.

9:19:10 a.m.

SUPPLEMENTAL MATERIAL 3: MEMORANDUM & RESOLUTION

C7F ~~A Resolution Urging The Florida Department Of Transportation ("FDOT") To Stripe Dedicated Bicycle Lanes On The Julia Tuttle Causeway (I-195) And To Stripe Green Bicycle Lanes On Those Portions Of I-395 And A1A Known As The MacArthur Causeway As Soon As Possible To Protect The Safety Of Cyclists During The Next Phase Of Miami Dade County's Venetian Causeway Project.~~

Revised Title

A Resolution Of The Mayor And City Commission Of The City Of Miami Beach, Florida, Urging The Florida Department Of Transportation ("FDOT") To (1) Reposition The Bicycle Lane On The Julia Tuttle Causeway (I-195) To The Other Side Of The Protective Barrier, In Order To Separate Vehicular Travel Lanes From The Bicycle Lane, And (2) Stripe Green Bicycle Lanes On Those Portions Of I-395 And A1A Known As The MacArthur Causeway As Soon As Possible To Protect The Safety Of Cyclists During The Next Phase Of Miami-Dade County's Venetian Causeway Project.

(Sponsored by Commissioner Ricky Arriola)
(Legislative Tracking: Transportation)

Clerk's Note: Resolution title revised by the Office of the City Attorney due to amendments adopted.

ACTION: Item separated by Commissioner Alemán. **Resolution 2016-29467 adopted as amended.** Motion made by Commissioner Alemán; seconded by Vice-Mayor Grieco to accept as amended to urge FDOT to paint the entire bicycle lane green on the MacArthur Causeway, and not just the conflict points; and urge FDOT to reposition the bicycle lane on the Julia Tuttle Causeway on the other side of the protective barrier to separate the car lanes from the bicycle lane; Voice vote: 7-0. **Jose Gonzalez to handle. Office of the City Clerk to transmit the Resolution.**

Amendments:

- 1) Urge FDOT to paint the entire bicycle lane green on the MacArthur Causeway, and not just the conflict points; and
- 2) Urge FDOT to reposition the bicycle lane on the Julia Tuttle Causeway on the other side of the protective barrier to separate the car lanes from the bicycle lane.

Commissioner Alemán stated that the Venetian Causeway will be impacted again, and this Causeway is frequently used by bicyclists. The Julia Tuttle Causeway is also used for biking, but it does not look safe at all, especially when there is no division between the car and bicycle lanes. She would like to see greater protection for bicyclists on the Julia Tuttle Causeway.

Vice-Mayor Grieco stated that bicyclists will be interrupted from using their preferred Venetian bridge bicycle lane for only one month, but regardless, there should be safe bicycle lanes Citywide.

Commissioner Arriola asked Transportation Director Gonzalez if there are any plans in the near future for a protected bicycle lane on the Julia Tuttle Causeway.

Jose Gonzalez, Transportation Director, stated that given the imminent Venetian Causeway project, he and his team met with FDOT the previous week. There is a long-term project along the Julia Tuttle Causeway, which will enhance the off-road path to be shared use, but since that

Causeway is part of the Federal Interstate Highway System, there is nothing that can be done in the short term. However, on the MacArthur Causeway, better signage and more green paint can be added to the conflict points where bicyclists and drivers need to share the road and be aware of each other.

Discussion continued.

Commissioner Arriola asked Mr. Gonzalez to urge FDOT to not just paint the conflict areas green, but the entire bicycle lane on the MacArthur Causeway.

Mr. Gonzalez stated that as a matter of practice, FDOT only paints the conflict areas green.

Commissioner Arriola insisted that Mr. Gonzalez ask FDOT to divert from their practice in this case, and paint the entire bicycle lane green.

Commissioner Malakoff believes that the bicycle lanes on the causeways are dangerous, and need to be rethought. The amendment was accepted by the sponsor of the item.

TO DO:

Mayor Levine suggested bringing the New District Secretary to the September 14, 2016 City Commission Meeting, so that the City Commission can urge him to assist in painting the Venetian Causeway bicycle lane green. **Jose Gonzalez, Transportation Director, to handle.**

City Manager Morales added that there are enhancements budgeted for this reason.

Commissioner Alemán offered a friendly amendment to reposition the bicycle lane on the Julia Tuttle Causeway on the other side of the protective barrier to separate the car lanes from the bicycle lane.

- C7G A Resolution Approving And Authorizing The Mayor And City Clerk To Execute The Memorandum Of Understanding (MOU) Attached To This Resolution, Between The City Of Miami Beach And The Miami Beach Chamber Education Foundation Inc., For The Implementation Of A Miami Beach Nurse Enhancement Initiative For Behavioral Health Services (The "Initiative") For Miami Beach Senior High School, Nautilus Middle School, Feinberg-Fisher K-8 Center, Biscayne Elementary School, And South Pointe Elementary School; Said MOU Providing For Initiative Services For The 2016-2017 School Year, With Possible Renewal Options, Upon Mutual Agreement Of The Parties, For The 2017-2018 And 2018-2019 School Years, With The City's Contribution Being Subject To Consideration In The Budget Development Process For Each Respective Fiscal Year; And Further Authorizing The Consideration Of \$53,600 In Funding From The City's 2016-2017 Fiscal Year Annual Budget For The City's Contribution To The Initiative For The 2016-2017 School Year.

(Organization Development Performance Initiatives)

ACTION: Resolution 2016-29468 adopted. Dr. Leslie Rosenfeld to handle.

- C7H A Resolution Urging Miami-Dade County To Expediently And Timely Comply With The Stormwater And Sewer Infrastructure Repair Projects Mandated In The County's Consent Decree With The United States Environmental Protection Agency And The State Of Florida.
(Sponsored by Commissioner Kristen Rosen Gonzalez)
(Legislative Tracking: Office of the City Attorney)

ACTION: Resolution 2016-29469 adopted. Office of the City Attorney to handle. Office of the City Clerk to transmit the Resolution.

- C7I A Resolution Authorizing The City Of Miami Beach To Accept An Award Of A Variable Message Sign, With An Approximate Value Of \$7,500, From The Florida Department Of Transportation, Based Upon The Police Department's Participation In The Florida Law Enforcement Liaison Program's 'Click It Or Ticket' Challenge.
(Police)

ACTION: Resolution 2016-29470 adopted. Chief Daniel Oates to handle.

- C7J A Resolution Authorizing The City Of Miami Beach To Accept An Award Of Four (4) Prolaser 4 Speed Detection Devices And Ten (10) Rechargeable Nightsticks, Total Value \$7,957, From The Florida Department Of Transportation, Based Upon The Police Department's Participation And Performance In Various Traffic Safety Initiatives.
(Police)

ACTION: Resolution 2016-29471 adopted. Chief Daniel Oates to handle.

- C7K A Resolution Accepting The Recommendation Of The Neighborhood/Community Affairs Committee At Its June 10, 2016 Meeting, To Explore The Options In Relation To Making Improvements And Enhancements To The Police North Beach Sub Station, Also Known As The North End Sub Station (NESS).
(Sponsored by Commissioner Micky Steinberg)
(Legislative Tracking: Police)

ACTION: Resolution 2016-29472 adopted. Chief Daniel Oates and David Martinez to handle.

9:27:00 a.m.

SUPPLEMENTAL MATERIAL 1: REVISED MEMORANDUM & RESOLUTION

- C7L A Resolution Accepting The Recommendation Of The City Manager To Reject All Proposals Received, Pursuant To Request For Qualifications (RFQ) No. 2016-107-WG For Hosted Automatic Call Distribution Services; And, In The Alternative, Accepting The City Manager's Recommendation To Waive, By A 5/7th Vote, The Competitive Bidding Requirement, Finding Such Waiver To Be In The Best Interest Of The City, And Authorizing The Administration To Enter Into Direct, Simultaneous Negotiations With AT&T Corp And Unify, Inc., Respectively, For Hosted Automatic Call Distribution Services; And Further Directing The Administration To Submit The Final Negotiated Agreement To The Mayor And City Commission For Approval.
(Procurement/Finance)

ACTION: Resolution 2016-29473 adopted. Item separated by Commissioner Arriola for recusal. Motion made by Vice-Mayor Grieco; Seconded by Commissioner Malakoff; Voice vote: 6-0; Abstained: Commissioner Arriola. Alex Denis, Allison Williams and Ariel Sosa to handle.

Raul J. Aguila, City Attorney, announced that Commissioner Arriola recused himself from this item due to an appearance of conflict, rather than an actual legal conflict.

City Manager Morales explained that the City is trying to acquire equipment so that staff can operate the 311 call center internally. There were two good companies that bid, but due to a technical issue, they were rendered non-responsive. He would like to expedite this, and is asking for direction to negotiate with each of the bidders, so that he can bring back a good contract to the City Commission.

Vice-Mayor Grieco expressed his support.

Handouts and Reference Materials:

1. Form 8B completed by Commissioner Arriola # 132

C7M A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Firms, Pursuant To The Invitation To Negotiate (ITN) No. 2016-084-WG For Administration Of The City's Ancillary Health Benefits For Employees, Retirees And Their Dependents; Authorizing The Administration To Negotiate With The Following Proposers In The Following Categories Of Ancillary Services: Cigna Health And Life Insurance Co., As Top-Ranked Proposer For Group Dental Coverage; UNUM Life Insurance Company Of America, As Top-Ranked Proposer For Family And Medical Leave Act Administration, Long-Term Disability Coverage For Defined Contribution Retirement Plan (401a) Participants, Voluntary Short-Term And Long-Term Disability Coverage, And Group Life And Accidental Death & Dismemberment Coverage; And Further Authorizing The Mayor And City Clerk To Execute Agreements Upon Conclusion Of Successful Negotiations With The Administration.

(Procurement/Human Resources)

ACTION: Resolution 2016-29474 adopted. Alex Denis and Sylvia Crespo-Tabak to handle.

C7N A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Proposals Pursuant To Request For Proposals No. 2016-034-AK, For Fire And Police False Alarm Billing System; Authorizing The Administration To Enter Into Negotiations With PMAM Corporation, The Top-Ranked Proposer; And, Should The Administration Be Unsuccessful In Negotiating An Agreement With The Top-Ranked Proposer, Authorizing The Administration To Enter Into Negotiations With Public Safety Corporation, The Second-Ranked Proposer; And, Further, Authorizing The Mayor And City Clerk To Execute The Agreement Upon Successful Negotiations By The Administration.

(Procurement/Police/Fire)

ACTION: Resolution 2016-29475 adopted. Alex Denis, Police Chief Daniel Oates and Fire Chief Virgilio Fernandez to handle.

Handouts and Reference Materials:

1. Letter to Joseph M. Goldstein from Jimmy L. Morales dated June 22, 2016 RE: Protest Filed Pursuant to Award Recommendation on RFP 2016-034-AK for a Fire and Police False Alarm Billing System (the "RFP).
2. Letter to Joseph M. Goldstein from Jimmy L. Morales (transmitted via e-mail), dated July 7, 2016 RE: Protest Filed Pursuant to Award Recommendation on RFP 2016-034-AK for a Fire and Police False Alarm Billing System (the "RFP).

C7O A Resolution Accepting The Recommendation Of The City Manager To Approve The Award Of A Contract For Group 1 To Team Contracting, Inc., And To Reject All Bids Received For Groups 2-4, Pursuant To Invitation To Bid (ITB) No. 2016-111-ND For The Purchase Of Concrete Curbing/Sidewalk Construction, Asphaltic Concrete/Related Materials, And Striping Of City Streets And Parking Lots.

(Procurement/Public Works)

ACTION: Resolution 2016-29476 adopted. Alex Denis and Eric Carpenter to handle.

3:36:26 p.m.

C7P A Resolution Accepting The Recommendation Of The City Manager, Pursuant To Request For Qualifications (RFQ) No. 2016-116-KB For Architectural And Engineering Design Services For New Bus Shelters; Authorizing The Administration To Enter Into Negotiations With ACAI Associates, Inc., As The Top Ranked Proposer; Further, Should The Administration Not Be Successful In Negotiating An Agreement With ACAI Associates, Inc., Authorizing The Administration To Enter Into Negotiations With Brooks + Scarpa, Inc., As The Second Highest Ranked Proposer; Further, Authorizing The Mayor And City Clerk To Execute An Agreement, Upon Conclusion Of Successful Negotiations By The Administration.

(Procurement/Transportation)

ACTION: Resolution 2016-29477 adopted. Heard in conjunction with R9Q. Item separated by Commissioner Arriola for discussion. Motion made by Commissioner Arriola; seconded by Commissioner Alemán; Voice vote: 7-0. **Alex Denis and Jose Gonzalez to handle.**

Commissioner Arriola said C7P relates to another item, which is R9Q. It relates to using design in everyday things. The City has designed great parking garages and iconic lifeguard stations. Since the City is looking into new bus shelters, Commissioner Arriola wants to have bus shelters that have an iconic presence. The City had put out an RFP and a firm was selected. There are bus shelter designs that most municipalities have done, but he wants a design that will spark the imagination and show passion for design.

Jose Gonzalez, Transportation Director, introduced Adolfo Cotilla the President of ACAI Associates, who is the top brand proposer as part of the RFQ.

Adolfo Cotilla, President of ACAI Associates, showed a PowerPoint presentation. Click [here](#) to view.

Discussion held regarding benches/seats in bus shelters.

Commissioner Steinberg wants to make sure that the benches are of good quality, practical, serve a purpose, and look good. She would like to work with someone in Law Enforcement to make sure the designs work within the concept of what Miami Beach has. She has concerns about people using the bus stops only for Wi-Fi.

Discussion continued regarding benches in bus shelters.

Commissioner Arriola would like to give further guidance to ACAI Associates.

Discussion held

Jimmy L. Morales, City Manager stated that this is a recommendation to award the RFQ and they need a vote.

Motion made. Vote taken.

- C7Q A Resolution Accepting The Recommendation Of The Finance And Citywide Projects Committee At Its June 17, 2016 Meeting To Maintain The Living Wage Rate And Health Care Benefit Rate At Current Levels For Covered City And Service Contractor Employees For Fiscal Year 2016/17.
(Procurement)

ACTION: Resolution 2016-29478 adopted. Alex Denis to handle.

SUPPLEMENTAL MATERIAL 3: MEMORANDUM

- C7R A Resolution Authorizing The Extension Of A Communications System Agreement, And All Exhibits Thereto, With Motorola In The Amount Of \$335,443 For A Term Of One Year To Maintain A Continuity Of Service Of The 800 MHz Public Safety Radio System.
(Emergency Management)

ACTION: Resolution 2016-29479 adopted. Charles Tear to handle.

- C7S A Resolution Approving The Selection Of Six Public Art Commissions For Miami Beach Convention Center, As Recommended By The Art In Public Places Professional Advisory Committee, The Art In Public Places Committee, The Neighborhood/Community Affairs Committee, And As Approved By The Design Review Board And The Historic Preservation Board; And Authorizing The City Manager To Execute Professional Services Agreement In The Following Not-To-Exceed Amounts For The Design, Fabrication, And Installation Of Art: Franz Ackermann, \$750,000; Michael Elmgreen And Ingar Draget, \$1,100,000; Ellen Harvey, \$750,000; Joseph Kosuth, \$2,200,000; Joep Van Lieshout, \$500,000; And Sarah Morris, \$1,000,000.

(Tourism, Culture & Economic Development)

ACTION: Resolution 2016-29480 adopted. Max Sklar to handle.

SUPPLEMENTAL MATERIAL 1: RESOLUTION & ATTACHMENT

- C7T A Resolution Approving And Authorizing The City Manager To Execute A Landlord Waiver, Substantially In The Form Attached To This Resolution, In Favor Of Bank Of America, Involving The Lease Agreement Between The City (Landlord) And The Miami City Ballet, Inc. (Tenant) For The Building Located At 2200 Liberty Avenue, Miami Beach, Florida (Premises); Said Waiver Subordinating The City's Statutory Lien Rights Against The Personal Property In The Premises (In The Event Of A Default Under The Lease); And Which Waiver Is Being Required By Bank Of America, As Security For A Revolving Line Of Credit, Having A Limit Of \$1,500,000, Which Is Being Secured By The Tenant's Collateral, Which Includes The Personal Property In The Premises.

(Tourism, Culture & Economic Development)

ACTION: Resolution 2016-29481 adopted. Max Sklar to handle.

- C7U A Resolution Calling Upon Federal And State-Elected Officials To Collaborate With Local Officials And First Responders To Prevent Mass Shootings And Large-Scale Human Loss Of Life And Suffering From Mass Shootings In America By Limiting The Availability And Use Of Military Grade, High Capacity Magazine Assault Weapons To Law Enforcement Agencies.
(Sponsored by Commissioner Micky Steinberg and
Co-Sponsored by Commissioner Joy Malakoff)
(Legislative Tracking: Office of the City Attorney)

ACTION: Resolution 2016-29482 adopted. Office of the City Attorney to handle. Office of the City Clerk to transmit the Resolution.

- C7V A Resolution Urging The United States Food And Drug Administration (FDA) To Repeal Its Prohibition On Men Who Have Sex With Men Within 12 Months From Donating Blood.
(Sponsored by Commissioner Micky Steinberg)
(Legislative Tracking: Office of the City Attorney)

ACTION: Resolution 2016-29483 adopted. Office of the City Attorney to handle. Office of the City Clerk to transmit the Resolution.

End of Consent Agenda

REGULAR AGENDA

R5 - Ordinances

11:25:09 a.m.

- R5A An Ordinance Amending Chapter 82 Of The Code Of The City Of Miami Beach, Entitled "Public Property," By Amending Article I, Entitled "In General"; By Amending Section 82-1, Entitled "Conducting Business On Streets, Parks Or Other Public Property; Enforcement; Penalties; Unpaid Fines To Constitute Liens," By Creating Subsection (b) Which Expressly Prohibits Commercial Transactions, Activities Or Operations At Any Park, Boat Ramp, Beach, Structure Building Or Other Property Or Place Owned, Maintained Or Operated By The City; By Prohibiting Any Portion Of The Commercial Transaction, Activity Or Operation To Directly Or Indirectly Occur At Any Park, Boat Ramp, Beach, Structure Building Or Other Property Or Place Owned, Maintained Or Operated By The City; By Modifying Subsection (c), Which Amends The Existing Exemption Authority Of The City Manager For The Rendering Of Service To The Public; And Creating An Additional Exemption To The Prohibitions Set Forth In Section 82-1(a) And (b), That Would Require The City Commission To Approve A Concession Agreement Authorizing Commercial Activities Or Operations; And By Creating Subsection (d), Which Is A New Enforcement And Penalty Provision For Violations, Limiting The Authority Of The Special Master, And Increasing The Monetary Fines; Providing For Repealer, Severability, Codification, And An Effective Date. **10:00 a.m. Second Reading Public Hearing**
(Sponsored by Vice-Mayor Michael Grieco)
(Legislative Tracking: Parks & Recreation)
(First Reading on May 11, 2016 - R5N)

ACTION: Title of the Ordinance read into the record. Public Hearing held. Ordinance 2016-4022 adopted. Motion made by Commissioner Malakoff; seconded by Vice-Mayor Grieco; Ballot-vote: 7-0. John Rebar to handle.

Aleksandr Boksner, Deputy City Attorney, introduced the item and explained the language included and exemptions. This Ordinance addresses any commercial activity taking place in the City's various properties, which have been specifically identified as parks, boat ramps, buildings, or places maintained or owned by the City. They removed specific references to the Maurice Gibb Memorial Boat Ramp and Park; to deny commercial activities from taking place in other parks. Additionally, they have further clarified the City Manager's authority, and his legal authority to allow limited commercial activity.

Commissioner Malakoff asked if there will be an outreach for all the people who have commercial boating, so that they understand what the rules are.

Deputy City Attorney Boksner stated that there will be a notification process.

Commissioner Alemán wants to ensure that this will not prevent walking tours from taking place, since they use sidewalks, which are City property.

John Rebar, Parks and Recreation Department Director, clarified that that type of commercial outdoor fee based activity will not be affected.

Handouts or Reference Materials:

1. Ad No. 1162 published in The Miami Herald

11:29:32:00 a.m.

R5B Hall For Hire Use In Museum Historic District

An Ordinance Amending The Land Development Regulations Of The City Code, By Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 3, "Residential Multifamily Districts," Subdivision IV, "RM-2 Residential Multifamily, Medium Intensity," To Amend Section 142-213, "Conditional Uses," To Include Requirements Pertaining To Hall For Hire Uses For Properties Located Within The Locally Designated Museum Historic Preservation District; Providing For Repealer; Severability; Codification; And An Effective Date.

10:05:00 a.m. Second Reading Public Hearing

(Sponsored by Commissioner Joy Malakoff)

(Legislative Tracking: Planning)

(First Reading on June 8, 2016 - R5I)

ACTION: Title of the Ordinance read into the record. Public Hearing held. **Ordinance 2016-4023 adopted.** Motion made by Commissioner Malakoff; seconded by Commissioner Alemán; Ballot-vote: 7-0. **Thomas Mooney to handle.**

Thomas Mooney, Planning Department Director, introduced the item, and stated that it was approved on first reading on June 8, 2016, and no changes were made. The recommendation is to approve as drafted.

Handouts or Reference Materials:

1. Ad No. 1162 published in The Miami Herald
2. Ad No. 1166 published in The Miami Herald

11:31:30 a.m.

R5C An Ordinance Amending Miami Beach City Code Chapter 2, Article VII, Division 3 Entitled "Lobbyists," Section 2-482(a)(4) Thereof, By Requiring A Lobbyist Who Has Within The Past Election Cycle Provided Campaign Consulting Services To An Incumbent Member Of The City Commission To Disclose Such Particular Service On His/Her Lobbyist Registration Form And To Disclose Such Particular Service Orally Before Lobbying The City Commission At A Public Meeting, Providing Definitions, And Providing For Repealer, Severability, Codification, And An Effective Date. **10:10 a.m. Second Reading Public Hearing**

(Sponsored by Commissioner Kristen Rosen Gonzalez)

(Legislative Tracking: Office of the City Attorney)

(First Reading on June 8, 2016 - R5J1)

ACTION: Title of the Ordinance read into the record. Public Hearing held. **Ordinance 2016-4024 adopted.** Motion made by Commissioner Rosen Gonzalez; seconded by Commissioner Arriola; Ballot-vote: 7-0. **Office of the City Attorney to handle.**

Debora Turner, First Assistant City Attorney, introduced the item, which strengthens ethics legislation, by requiring lobbyists who have provided campaign consulting services to a member of the City Commission to not only disclose this on a registration form, but verbally disclose this before lobbying within a public meeting.

Commissioner Alemán asked staff to find any other relationships that should also be disclosed for the record. **Office of the City Attorney to handle.**

Handouts or Reference Materials:

1. Ad No. 1162 published in The Miami Herald

11:32:57 a.m.

R5D Miami Beach Panel Of Architects

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, Florida, Chapter 118, "Administration And Review Procedures," Article II, "Boards," By Creating Section 118-33 To Establish The Miami Beach Panel Of Architects ("MBPOA"); And By Amending The Criteria And Procedural Thresholds For The Review And Approval Of New Single-Family Residential Construction By Authorizing The MBPOA To Conduct Certain Reviews; Creating Division 6, Entitled "Miami Beach Panel Of Architects," At Sections 118-139 Through 118-156, Providing For Purpose, Composition Of Board, Membership, Qualifications, Quorum, Meeting Procedures, Powers And Duties, Fees And Applications; Amending Section 118-8, Entitled "Notice Procedures For Quasi-Judicial, Public Hearing Quasi-Judicial Land Use Board Actions" To Include Notice Procedures For Proceedings Before The MBPOA; And Amending Section 118-9, Entitled "Rehearing And Appeal Procedures," To Provide Procedures For Appeals From The MBPOA; Providing For Codification; Repealer; Severability; And An Effective Date.

10:15:00 a.m. Second Reading Public Hearing

(Sponsored by Commissioner Joy Malakoff)

(Legislative Tracking: Planning)

(First Reading on June 8, 2016 - R5M)

ACTION: Title of the Ordinance read into the record. Item heard in conjunction with R7AA. Public Hearing held. **Ordinance 2016-4025 adopted.** Motion made by Commissioner Malakoff; seconded by Commissioner Alemán; Ballot-vote: 6-1. Opposed: Commissioner Steinberg. **Thomas Mooney to handle.**

Eve Boutsis, Chief Deputy City Attorney, suggested hearing the companion item R7AA immediately after this item.

Thomas Mooney, Planning Department Director, explained the item, which has changes incorporated, including a time limit for how long applications can be held before a decision must be made, review criteria, and a six-month sunset provision, which could be extended to a year by the City Commission. The Planning Board recommends the extension of the sunset provision.

Commissioner Malakoff stated that many residential homes have been built that are not compatible with their neighborhoods. This Ordinance will help maintain neighborhood compatibility. More architects are needed to improve the City's housing stock.

Commissioner Alemán commended Commissioner Malakoff for putting this legislation forward. It has been designed in a practical way, and will ensure the City gets high quality design.

Commissioner Steinberg agreed with Commissioner Alemán's statement, but as she is in disagreement with the companion item R7AA, she cannot vote in favor of this item.

Mayor Levine added that this Ordinance will ensure there is integrity in the boards. He commended Commissioner Malakoff for taking it upon herself to do the right thing.

Commissioner Rosen Gonzalez asked what criteria are used to select the architects.

Commissioner Malakoff explained that the person must be a licensed architect in the State of Florida, with a preference of an architect who lives or does business in Miami Beach. She clarified that this is not a political appointment.

Mr. Mooney added that the candidate must have at least five years' experience with Miami Beach.

Commissioner Rosen Gonzalez asked if this can be done and still deny those selected to the panel from lobbying.

Commissioner Malakoff stated that the panel would greatly benefit from the input of practicing architects, but it is very difficult to get them to join the panel, because if they are currently working on a project in Miami Beach, they are prohibited from being on the panel. The positions are mostly taken up now by faculty members.

Discussion held.

Handouts or Reference Materials:

1. Ad No. 1162 published in The Miami Herald

6:39:53 p.m.

R5E An Ordinance Pertaining To The Subject Of A Six (6) Month Moratorium For The Two National Register Historic Districts Contained Within The North Beach Master Plan Study Area With The Following General Boundaries: (1) The "North Shore National Register District," 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 District:" 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 Contributing Structures Within The Two National Register Historic Districts Within The North Beach Master Plan Study Area; Providing For An Effective Date Retroactive To June 8, 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.

5:01 p.m. Second Reading Public Hearing

(Sponsored by Commissioner Ricky Arriola &
Co-sponsored by Commissioner Joy Malakoff)

(Planning)

(First Reading Public Hearing June 8, 2016 - R5G)

ACTION: Title of the Ordinance read into the record. Public Hearing held. **Ordinance 2016-4026 adopted as amended with the effective date.** Motion made by Commissioner Malakoff; seconded by Commissioner Arriola; Ballot-vote: 7-0. **Thomas Mooney to handle.**

AMENDMENT:

Effective date is as of July 13, 2016 rather than June 8, 2016.

Eve Boutsis, Chief Deputy City Attorney, stated that the item is a six month Moratorium to finish the Master Plan; and recommended changing the effective date on second reading, not retroactive to June 8, 2016 but as of July 13, 2016, as there has been an outpour of people seeking permits and it would give them six months to do the work.

Daniel Ciraldo thanked the sponsors of the Ordinance, Commissioners Arriola and Malakoff.

Commissioner Malakoff explained that in speaking to the Master Planner she requested the delineation of what they are recommending for the local districts, so Historic Preservation Board and Debbie Tackett can get them to the City Commission within six months.

Kirk Paskal spoke.

Handouts or Reference Materials:

1. Ad No. 1165 published in The Miami Herald
2. Ad No. 1167 published in The Miami Herald

R5F LDR And Comprehensive Plan Amendments - 500 Alton Road C-PS2 Transit Hub

1. CPS-2 Transit Hubs - LDR Amendments

An Ordinance Amending The Code Of The City Of Miami Beach, Florida, By Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 18 "PS Performance Standard District" And Chapter 114, "General Provisions," By Amending Sections 142-698 And 142-699 Regarding Maximum Building Height And Setbacks Requirements For The CPS-2 District; Amending Section 114-1 Regarding Definitions; Providing For Codification; Repealer; Severability; An Effective Date; And A Sunset Date. **5:02 p.m. First Reading Public Hearing**

(Sponsor: Private Applicant: 500 Alton Road Ventures, LLC & 1220 Sixth, LLC)
(Legislative Tracking: Planning)

ACTION: Item withdrawn.

Handouts or Reference Materials:

1. Ad No. 1165 published in The Miami Herald
2. Ad No. 1168 published June 30, 2016
3. Ad No. 1169 published June 30, 2016
4. Letter hand delivered and emailed to the Office of the City Clerk dated July 12, 2016 from Samuel J. Dubbin, P.A., Dubbin & Kravetz, RE: Objections to City Commission Jurisdiction over Comprehensive Plan and Land Development Regulations Amendments Submitted by 500 Alton Road Ventures, LLC and 120 Sixth, LLC at July 13, 2016 City Commission Meeting.

2. Comprehensive Plan Text Amendment - Public Transit Facilities in C-PS2 And Transit Hubs Incorporated Into Private Development

An Ordinance Amending The Future Land Use Element Of The Comprehensive Plan Of The City Of Miami Beach, Florida, By Amending Policy 1.2 By Amending The Permitted Uses In The "General Mixed Use Commercial "Performance Standard" Category (C-PS2)" To Allow Public Transit Facilities As A Permitted Use; Amending The Transportation Element Of The Comprehensive Plan Of The City Of Miami Beach, Florida, By Creating Policy 4.6.1 Entitled "Enhanced Transit Infrastructure On Private Property" And By Amending The "Glossary Of Terms" To Include The Term "Transit Hub" And Related Definition. **5:03 p.m. First Reading Public Hearing**

(Sponsor: Private Applicant: 500 Alton Road Ventures, LLC & 1220 Sixth, LLC)
(Legislative Tracking: Planning)

ACTION: Item withdrawn.

Handouts or Reference Materials:

1. Ad No. 1165 published in The Miami Herald
2. Ad No. 1168 published in The Miami Herald
3. Ad No. 1169 published June 30, 2016
4. Letter hand delivered and emailed to the Office of the City Clerk dated July 12, 2016 from Samuel J. Dubbin, P.A., Dubbin & Kravetz, RE: Objections to City Commission Jurisdiction over Comprehensive Plan and Land Development Regulations Amendments Submitted by 500 Alton Road Ventures, LLC and 120 Sixth, LLC at July 13, 2016 City Commission Meeting.

6:43:49 p.m.

R5G Concurrency Exemption - GU And CCC Districts

An Ordinance Amending The City Code, By Amending Chapter 122, "Concurrency Management," By Amending Section 122-5, "Exemptions From Concurrency," To Exempt Uses At The Following City-Owned Facilities From The City's Concurrency Requirements: The North Shore Bandshell, The Ronald W. Shane Watersports Center, And The Miami Beach Botanical Garden; And Providing For Repealer, Codification, Severability, And An Effective Date. **5:04 p.m. First Reading Public Hearing**

(Sponsored by Vice-Mayor Michael Grieco)

(Legislative Tracking: Planning)

ACTION: Title of the Ordinance read into the record. First Reading, Public Hearing held. **Ordinance approved on first reading.** Motion made by Commissioner Alemán; seconded by Commissioner Malakoff; Ballot-vote: 7-0. Second reading, Public reading scheduled for September 14, 2016. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda, if received. **Thomas Mooney to handle.**

Handouts or Reference Materials:

1. Ad No. 1165 published in The Miami Herald
2. Ad No. 1170 published in The Miami Herald

6:44:59 p.m.

R5H Off-Street Parking Regulations

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, Florida, By Amending Chapter 130, "Off-Street Parking," Article I, "In General," Article III, "Design Standards," Article V, "Fee In Lieu Of Parking Program," Article VI, "Parking Credit System," Article VII, "Surplus And Under-Utilized Parking Spaces," And Article IX, "Valet And Tandem Parking", By Amending And Clarifying Standards And Procedures For Off-Street Parking Requirements; Providing Codification; Repealer; Severability; And An Effective Date. **5:05 p.m. First Reading Public Hearing**

(Sponsored by Vice-Mayor Michael Grieco)

(Legislative Tracking: Planning)

ACTION: Title of the Ordinance read into the record. First Reading, Public Hearing held. **Ordinance approved on first reading.** Motion made by Vice-Mayor Grieco; seconded by Commissioner Malakoff; Ballot-vote: 7-0. Second reading, Public reading scheduled for [September 14, 2016](#). Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda, if received. **Thomas Mooney to handle.**

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

DIRECTION:

Provide information on underutilized parking lots between first and second reading. **Thomas Mooney to handle.**

Commissioner Rosen Gonzalez stated that pursuant current Code, parking requirements cannot be removed, except to accommodate trash; if they take away the non-conforming parking spaces, they will end up subsidizing developer parking requirements. With this new requirement, the annual report is necessary; she asked for a justification.

Mr. Mooney explained that in regards to the nonconforming parking spaces, they found out in the past that this mainly applies to parking spaces that may be located in the front yard. As seen along West Avenue, when raising streets, accessing those parking spaces may be impossible and at times can get hazardous. In order to be able to raise their grade at a future time, they would need the flexibility to remove those spaces. Many times, they may want to repurpose the front of their lots, and those nonconforming parking spaces could get in the way of that. In instances where there are nonconforming parking spaces, one of the purposes of the nonconforming section of the Code is to be able remove those. From a market standpoint, people are not going to do that unless they know that they either do not need the parking, or that they can provide it somewhere else.

Discussion held.

Mr. Mooney stated that the amount of parking spaces removed is an insignificant amount. In regards to the underutilized report, once somebody is approved for an underutilized parking lot, it generally states that way, and submitting a report is redundant; it becomes more important when the parking is updated with different uses, and at that point the report is submitted. This is more of an efficiency.

Commissioner Rosen asked how many underutilized parking lots are there in the City and how many submit reports.

Discussion held.

Mayor Levine suggested bringing this information regarding the underutilized parking lots between first and second reading. **Thomas Mooney to handle.**

Handouts or Reference Materials:

1. Ad No. 1165 published in The Miami Herald
2. Ad No. 1171 published in The Miami Herald

6:49:14 p.m.

R5I South Of Fifth Alcoholic Beverage Establishment Operational Regulations
An Ordinance Amending Chapter 142, "Zoning Districts And Regulations", Article II, "District Regulations," Division 18, "PS Performance Standard District," Section 142-693, "Permitted Uses," To Amend The Hours Of Operation, Location And Use Restrictions For Properties South Of Fifth Street; Providing That Existing Alcoholic Beverage Establishments Shall Be Deemed Legal Conforming Uses; And Providing For Codification, Repealer, Severability, And An Effective Date. **5:06 p.m. First Reading Public Hearing**

(Sponsored by Vice-Mayor Michael Grieco)
(Legislative Tracking: Planning)

ACTION: Title of the Ordinance read into the record. Public Hearing held. Item referred to Planning and Land Use & Development Committee by acclamation. **Ordinance adopted on first reading.** Motion made by Vice-Mayor Grieco to adopt the Ordinance as is; seconded by Commissioner Alemán; Ballot-vote: 5-2; Opposed: Mayor Levine and Commissioner Arriola. Second reading Public Hearing is scheduled for September 14, 2016. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda, if received. **Thomas Mooney to handle.**

RECOMMENDATION:**Sec. 142-693. Permitted uses.**

(2) (ii) Outdoor music, whether amplified or non-amplified, and television sets shall be prohibited. "Seating on the main roof shall not be permitted under any circumstances."

REFERRAL:

Refer to Planning and Land Use & Development Committee by acclamation the Ordinance about noncompliance use and the length of time. **Thomas Mooney to place on agendas and handle.**

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

Thomas Mooney, Planning Department Director, introduced the item, and stated that between first and second reading, they propose to add language under (2)(ii) "seating on the main roof shall not be permitted under any circumstances."

Commissioner Malakoff stated that on Page 634 the problem is the legal conforming use. She does not want to open the door to another Bikini Hostel on West Avenue, which received a legal conforming use and they can continue to have their outdoor bar and disturb West Avenue. She asked why have legal nonconforming use South of Fifth.

Eve Boutsis, Chief Deputy City Attorney, explained that it is the recommendation of staff and the Office of the City Attorney to modify the legal nonconforming use section and extend that, so that within a six-month period, if they get a new tenant they can have 12 months.

Commissioner Malakoff does not mind giving them 12 months, but the legal nonconforming use is perpetual.

Discussion held.

Vice-Mayor Grieco stated that his goal, as sponsor of the legislation, is not to decrease the current uses, but to take a snapshot of the neighborhood and continue it further, and it is also about legal conforming when it came to the operating hours. This item has been discussed and approved at Land Use & Development Committee and the Planning Board approved it with this language. This was a product of collaboration with the business community, which was afforded a voice, with the goal of maintaining the uses to allow folks to have a comfort level and avoid their properties from being devaluated.

Commissioner Malakoff explained that legal conforming means that you can have that use over time forever. If there is a change of management, the property owner has six months to find a new tenant, or they can transfer over the same name of the business.

Mayor Levine asked for clarification, if someone owns a building in Miami Beach, and that property is sold, does the guarantee go with it.

Thomas Mooney, Planning Department Director, explained that the same use remains, and if there is a legal nonconforming restaurant that is sold and the new owner assumes the license, they can continue to operate that. Legal conforming use means that they can expand that use and that use can be in perpetuity, whether it is vacated for six months, or needs the other nonconforming standards.

Mayor Levine asked why they are giving South of Fifth the special treatment.

Mr. Mooney added that this was the direction of the Land Use & Development Committee.

Commissioner Steinberg commended everyone for working on this Ordinance; however, she suggested removing language on Page 634, under subsection (vi). Any such alcoholic beverages establishment shall be deemed a "legal conforming use," and may retain all and apply for new expansions and modifications to permitted, conditional and/or accessory uses permitted as of June 28, 2016, and separately refer to Land Use & Development Committee and Planning Board an Ordinance change to non-conforming use, that way they can go from 18 months to give them that time. This will resolve the issue and give them flexibility to find a tenant.

Mayor Levine again asked why they are getting special treatment and inquired what the policy is in the City as a whole.

Mr. Mooney explained that in this instance, as was the case with the Bikini Hostel and the Mondrian, when the ban on hotels was implemented on West Avenue, there was a proposal to vest these properties, and the same proposal is being made now.

Frank Del Vecchio stated that Vice-Mayor Grieco went to great lengths to work on this Ordinance. These six establishments have been in the City for 10 to 15 years: Monty's, Big Pink, Smith & Wollensky, China Grill, Radio Bar, Kabali and Joe Stone's Crab. The business community was concerned and there was support of the Ordinance. It is not the intention of the South of Fifth community to put these people out of business. The non-conforming use provision provides that if a restaurant goes "dark" for six months, then they lose their nonconforming status. This is not realistic especially in today's market. An option to examine is to extend the period of legal nonconforming use of being "dark" from six months to 12 months. Another provision from 18 months should be extended to 24 months.

Raul J. Aguila, City Attorney, agrees with what Mr. Del Vecchio is saying and what Vice-Mayor Grieco is saying; as this is a policy matter. The period of the nonconforming use, or "dark" period is too short now, but the concern is that case law does not recognize hours of operations as a vested or property right, and he is concerned that they are setting a precedent. If the sponsor of the Ordinance would accept a discussion that they work with him to perhaps extend the period of the non-conforming use to continue to exist, that may be a powerful option. That is the legal concern, whether directly or indirectly they are creating vested rights and he does not want to set a precedent.

Vice-Mayor Grieco's concern is that they are buying from the businesses; they also have the support of the businesses, this is an important piece, and he thinks their collaboration is relevant. This is a quality of life issue, in trying to stop the 5:00 a.m. licenses in predominantly residential areas. He wants everyone to embrace it without devaluing people's properties and added that two of the properties are City-owned. He deferred to the City Attorney on how to address procedurally the issue.

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City Attorney Aguila stated that the legal concern is that they are creating in effect a property right, and by extending the period for a legal nonconforming use, that may be a reasonable alternative. That is a policy call. The law also says that there is no legal requirement that hours of operation be uniform throughout the City. The City Commission has the discretion to consider different hours of operation for different district based upon health, safety and welfare concerns. Again, this is a policy call and he knows how hard Vice-Mayor Grieco has worked on this.

Eve Boutsis, Chief Deputy City Attorney, added that the Planning Board heard the alternative language about extending the time for legal nonconforming, lawyers and representatives of the restaurants were at that meeting, and she suggested that perhaps between first and second reading, they can work on the language and bring it back.

Frank Del Vecchio spoke.

Mayor Levine is not comfortable with the item as is, and suggested bringing it back in September.

Commissioner Malakoff agrees to discuss further and bring back in September. She is not in favor of adding another nonconforming use.

Discussion continued.

Mayor Levine suggested organizing the item and bringing it back in September.

Vice-Mayor Grieco stated that this is his item and his neighborhood. The South of Fifth neighbors have been fighting for this, and he is here to fight for them. This is a quality of life item. When trying to protect neighborhoods, the City Commission listens to the business owners affected; however, if they defer this to September because it needs more work, expect the same results.

Jim Rauh, representing Big Pink, stated that his client has served the City for 20 years, and it is one of the greatest assets as a diner; they serve customers that come late at night without any problems. If this Ordinance is passed, there are tremendous adverse, legal effects. If the venue is closed for six months or more, due to fire or natural disaster, they would lose that use. They could never increase by one seat, one square foot, or any aspect of the business, which is always a possibility. They are asking that this venue not feel the impact of a penalty.

Mayor Levine stated he will vote no, and would like to defer to September.

Raul J. Aguila, City Attorney, recommended enacting the Ordinance as drafted on first reading, implement zoning in progress, work with Vice-Mayor Grieco and analyze this between first and second reading. The intent of this legislation is not to proliferate any more alcoholic establishments in South of Fifth.

Commissioner Malakoff agreed and stated that what Vice-Mayor Grieco said is very important; they do not want people trying to get new 5:00 a.m. licenses, and with zoning in progress it would prevent this from happening until September.

Commissioner Steinberg suggested removing the subsection she previously mentioned.

Discussion was continued regarding language removal.

City Attorney Aguila explained that it is dangerous to start drafting changes after a long meeting and at this time of night. He recommended passing this on first reading, accept the Planning Board recommendation, and let the Office of the City Attorney work with the Vice-Mayor to come up with the proper language and bring it back to the City Commission. The important thing to do is enact zoning in progress and adopt this Ordinance.

Commissioner Malakoff added that she will vote for it only if it addresses non-conforming uses in the language.

Vice-Mayor Grieco is concerned about what Mr. Rauh stated and added that maybe they need to reassess what triggers the nonconforming use, and that may be a larger conversation, but it is more than going "dark"; it is about what triggers the inability to maintain current uses. This has to be readdressed. If the restaurants go "dark" for a year, that affects property values.

Mayor Levine agreed with Commissioner Malakoff and added that if there is not a tight window (time frame), he will not be voting on second reading.

Frank Del Vecchio spoke.

Discussion continued.

City Attorney Aguila repeated his recommendation.

Motion made by Vice-Mayor Grieco to adopt on first reading as is; if changes are needed they will address between first and second reading; seconded by Commissioner Alemán.

Commissioner Alemán added that no one wants these wonderful proprietors from going out of business, but then they do not want to create super property rights that no one else in the City enjoys, and she has no intention to do that.

Discussion held.

Commissioner Steinberg suggested referring the Ordinance about noncompliance use and the length of time to Land Use & Development Committee. Referred by Acclamation.

Handouts or Reference Materials:

1. Ad No. 1165 published in The Miami Herald
2. Ad No. 1172 published in The Miami Herald

7:22:53 p.m.**R5J Comprehensive Plan - Peril Of Flood**

An Ordinance Amending The Comprehensive Plan Pursuant To The Procedures In Section 163.3184(3), Florida Statutes, By Modifying Chapter 1, Future Land Use Element, To Encourage The Use Of Landscaping Techniques That Enhance Stormwater Management And To Modify The Level Of Service For Storm Sewer Capacity; Chapter 5, Infrastructure Element, To Require That The Land Development Regulations Include A Freeboard Requirement For New Construction, To Modify The Level Of Service For Drainage Facilities Design Storm Standard, And To Incorporate The Use Of Stormwater Storage And Infiltration In Infrastructure Replacement Activities; Chapter 6, Conservation/Coastal Zone Management Element To Encourage The Use Of Highly Water-Absorbent Native Plants And To Designate The City Of Miami Beach As An Adaptation Action Area (AAA) Pursuant To Section 163.3177(6)(g)(10), Florida Statutes; Chapter 8, Intergovernmental Coordination Element, To Require Coordination Between Agencies Addressing Issues Related To Sea Level Rise And Climate Change; Providing For Inclusion In The Comprehensive Plan; Transmittal; Repealer; Severability; And An Effective Date. **5:07 p.m. First Reading Public Hearing**

(Sponsored by Commissioner Joy Malakoff)

(Legislative Tracking: Planning)

ACTION: Title of the Ordinance read into the record. First Reading, Public Hearing held. **Ordinance approved on first reading.** Motion made by Commissioner Malakoff; seconded by Commissioner Alemán; Ballot-vote: 7-0. Second reading, Public reading scheduled for September 14, 2016. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda, if received. **Thomas Mooney to handle.**

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

Commissioner Malakoff stated that the idea is to allow more Stormwater infiltration and encourage planting vegetation so the water has a place to flow down. She encouraged her colleagues to vote for climate adaption and mitigation.

Handouts or Reference Materials:

1. Ad No. 1165 published in The Miami Herald
2. Ad No. 1173 published in The Miami Herald

6:10:32 p.m.**R5K Short-Term Rentals On Harding Avenue North Beach**

An Ordinance Amending The Code Of The City Of Miami Beach, Subpart B, Entitled "Land Development Regulations," Of Chapter 142, Entitled "Zoning Districts And Regulations," By Amending Division 2, Entitled "Accessory Uses"; By Amending Article IV, Entitled "Supplementary District Regulations," By Amending Division 3, Entitled "Supplementary Use Regulations," By Amending Section 142-1111, Entitled "Short-Term Rental Of Apartment Units Or Townhomes," By Creating A New Subsection (d), Which Establishes Eligibility Requirements For Short-Term Rental Of Apartment And Townhome Residential Units In North Beach; Limiting The Eligibility To Those Properties Fronting Harding Avenue From The South Side Of 73rd Street To The Northern Boundary Of The City; By Establishing Conditions Precedent Before A Property Owner Is Legally Authorized To Engage In Short-Term Rentals; And Require The Property To Be Fully Renovated And Restored In Accordance With Those Delineated Standards Set Forth In Subsection (d)(1), Which Must Be Accomplished Prior To The Issuance Of The Business Tax Receipt Permitting Short-Term Rentals; And Providing For Repealer, Severability, Codification, And An Effective Date. **5:08 p.m. First Reading Public Hearing**

(Sponsored by Vice-Mayor Michael Grieco and Co-Sponsored by
Commissioner John Elizabeth Alemán and Commissioner Ricky Arriola)
(Legislative Tracking: Planning)

ACTION: Title of the Ordinance read into the record. First Reading Public Hearing held. **Ordinance approved on first reading as amended.** Motion made by Vice-Mayor Grieco; seconded by Commissioner Alemán; Ballot-vote: 5-2; Opposed: Commissioners Rosen Gonzalez and Steinberg. Second reading, Public reading scheduled for September 14, 2016. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda, if received. **Thomas Mooney to handle.**

AMENDMENTS:

- ✓ (d) Eligibility within North Beach. Properties that have buildings classified as "contributing" in the North Shore National Register Historic District, and are zoned RM-1 in North Beach may be eligible to apply for approval of a certificate of use permitting short-term rental of apartment and townhome residential units. Eligibility set forth herein, is limited to those properties fronting Harding Avenue, from the City Line on the north, to 73rd Street on the south, and may be eligible for short-term rentals, provided, the following conditions, requirements, and provisions are satisfied:
- ✓ Include a Property Manager for the corridor.
- ✓ Commissioner Malakoff to participate actively in the process and review language.

Pursuant to Section 2-13 of the Code, motion accepting the Land Use and Development Committee's recommendation of this Ordinance was made by Vice-Mayor Grieco, seconded by Commissioner Malakoff; 5-2; Opposed: Commissioners Rosen Gonzalez and Steinberg.

Mayor Levine stated that he is against short-term rentals, but he is confused on the item. He asked Daniel Ciraldo if this is a good thing.

Daniel Ciraldo stated that in general, this is worth trying out in some areas.

Commissioner Rosen Gonzalez thinks this is going to destroy communities, but stated that if the onsite management requirement is put back she will consider it.

Aleksandr Boksner, Chief Deputy City Attorney, stated that the Ordinance distributed addresses typographical concerns and to address Commissioner Alemán's concern, he read the language

(underlined) and the added language (double underlined) into the record: (d) Eligibility within North Beach. Properties that have buildings classified as “contributing” in the North Shore National Register Historic District, and are zoned RM-1 in North Beach may be eligible to apply for approval of a certificate of use permitting short-term rental of apartment and townhome residential units. Eligibility set forth herein, is limited to those properties fronting Harding Avenue, from the City Line on the north, to 73rd Street on the south, and may be eligible for short-term rentals, provided, the following conditions, requirements, and provisions are satisfied. In reference to the elimination of one component, he turned to Tom Mooney.

Thomas Mooney, Planning Department Director, introduced the item. At the June 28 meeting the Planning Board recommended that it be approved by a 5/0 vote, and recommended that (d)(6) be stricken, as it overlaps with (d)(9)(d) in the proposed Ordinance. He added that section (7)(D) deals with management, (D) Contact person. All rentals must be supervised by the owner, manager or a local and licensed real estate broker or agent or other authorized agent licensed by the city, who must be available for contact on a 24-hour basis, seven days a week, and who must live on site or have a principal office or principal residence located within the districts identified in subsection (a).

Discussion held.

Commissioner Steinberg is not in favor of this Ordinance for a number of reasons.

Commissioner Alemán explained that this is for Harding Avenue only, and the amendment read into the record is only for contributing structures; there is a minimum stay of seven days and in regards to on-site management, she agrees, as long as they live or have their offices within the district, and are available 24/7 to answer concerns. This is a preservation initiative to promote the economics behind this corridor and preserving these buildings.

Commissioner Malakoff stated that this item was discussed at Land Use & Development Committee and an agreement was reached that buildings had to be restored upfront, before there can be an issue of term rentals. Subsequently, she is co-sponsoring an item with Commissioner Alemán that will try to stop illegal short-term rentals in the City, but she has spoken to residents where there are short-term rentals for and against; she also spoke to the Greater Miami Beach Hotel Association and they feel that if there are short-term rentals in this Harding Corridor, the minimum stay should be at least 30 days. When Europeans want to spend a month or two in Miami Beach, they could certainly stay here if this was allowed. She thinks the mix of short-term and long-term rentals causes problems. North Beach is a wonderful place to invest money at this time and it will be a more beautiful place, and she knows how important it is to have the buildings restored.

Commissioner Arriola added that he has been discussing the item for over two years; the intent is for historic preservation largely and adaptive reuse of these buildings; these are apartments that are garden style apartments and not high-end by any means, they are hard to rent, and so a landlord is faced with tough decisions, to invest, renovate or demolish and reconstruct, which is counteractive to what the City is trying to do in North Beach. By adaptive reusing for “extended stays” (he likes using this term rather than using short-term), it allows for tourists, seasonal individuals or workers to come and stay at kitchenettes and they cannot do that at hotels due to the expense or lack of kitchens. This is addressing a niche in the market in a very limited area. It is an experiment limited in geography. If it works, it is something the Commission can look at in other areas while they are trying to do historic preservation.

Vice-Mayor Grieco added that the item has been discussed at committees repeatedly. He added that Option B is when the Moratorium is lifted, if it is not a Local Historic District, they can choose to demolish these buildings and build a hotel. Option C if they lift a Moratorium and create a historic district, they can convert these buildings into hotels. This is giving them the adaptive reuse to restore these buildings and have a positive impact in the area. Option B or C is probably not where they want to go but that is what property owners want to do and are prepared to do. If this does not get the required number of votes, Options B and C are a reality.

Discussion continued.

Mr. Mooney explained that these buildings are in the National Registry District, which does not have local historic district protection. North Beach Master Planner has identified Harding Avenue as one potential local district, but currently there is no protection. Because of the Moratorium passing on second reading today, there will be a six-month prohibition on demolition, but when the Moratorium ends, there is no local designation.

Discussion continued regarding conversion of buildings to hotels.

The following individuals spoke:

Rick Kandle
Mathis Cohen, on behalf of the property owner
Kirk Pascal
Michael Larkin, North Beach Association

Discussion continued regarding transients rentals.

Commissioner Arriola believes this creates an incentive for property owners to have “extended stays.”

Commissioner Steinberg explained that there are four items on the Commission Agenda dealing with short term rentals; even in areas where short term rentals are permitted they have had issues, whether there are permitted uses or illegal uses, they have issues with short term rentals, and she wants to know why they are opening the door to this. They talk about workforce housing and there is a paradox here.

Discussion continued regarding property management.

Michel Larkin suggested having a property manager either live in the building or have a sign with the contact information. At times, there is one owner with multiple buildings and have one property management within one corridor living in one of the buildings, and that person has access to all buildings and can address unruly behavior. If a single building, it must have one unit set aside for property manager.

Motion made by Vice-Mayor Grieco to amend with the provision to include a property manager for the corridor for this reading and come back with formal language for second reading. Additionally he requested that Commissioner Malakoff participate actively in the process so the language be generated and vetted through her office.

Handouts or Reference Materials:

1. Ad No. 1165 published in The Miami Herald
2. Ad No. 1174 published in The Miami Herald

3. Bound book from Carillon Miami Beach RE: Support for Proposed Ordinance "Short Term Rentals in North Beach.

2:54:21 p.m.

R5L TC North Beach Town Center Districts

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations" Article II "District Regulations," Division 20 "TC North Beach Town Center Districts," To Increase The Allowable Height For Buildings In The TC-1 Town Center Core District To 125 Feet And To Modify Setback Requirements; Providing For Repealer; Severability; Codification; And An Effective Date. **First Reading**

(Sponsored by Commissioner John Elizabeth Alemán)
(Legislative Tracking: Planning)

ACTION: Title of the Ordinance read into the record. **Ordinance approved on first reading.** Motion made by Commissioner Alemán; seconded by Commissioner Malakoff; Ballot-vote: 5-2; Opposed: Commissioners Rosen Gonzalez and Steinberg. Second reading, Public reading scheduled for September 14, 2016. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda, if received. **Thomas Mooney to handle.**

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

Thomas Mooney, Planning Department Director, explained that this particular item has been endorsed by the Land Use & Development Committee and the Planning Board. The boundaries have been expanded to include all of the TC-1 District or Town Center area, and the proposal specifically is to allow maximum building height to go from the current 75-feet to 125-feet, and from seven stories at the request of the Planning Board and Land Use & Development Committee, setbacks for properties fronting on 71st Street would be included as part of any height exceeding 75-feet. Additionally, it was requested to add for a second reading an amended whereas clause confirming that this Ordinance is consistent with the recommendations of the North Beach Master Planner.

Commissioner Alemán stated that the Ordinance is completely consistent with the Master Plan, there is no FAR increase associated with it, and it creates the Town Center and allows them to increase density. The only argument against doing this now is the concept of a TDR (Transfer of Development Rights) program. There are great deals of steps needed to create this program, such as districting, referendum and it will take time. To do nothing until they have the Master Plan in place is a recipe for stagnation. They need to show that they are serious about the Master Plan and they intend to see it through.

Commissioner Rosen Gonzalez does not understand why the need to see the height increase before the Master Plan is ratified and approved by the City Commission. She thinks that height increases and density developments demonstrate that it is not worth to develop within the current height, which is probably the reason North Beach over time has remained low density and it has not been developed. She is not sure if the City will regret this moving forward and thinks the area will lose some charm. She added that 5,000 residents recently signed a petition that all future height increases are going to have to go to referendum to the public probably on the November ballot. She stated that over the past 15 years there have been over 15 height increases.

Commissioner Malakoff mentioned that she attended most of the North Beach Master Planner meetings and has seen the program for the Town Center; it is going to be the hub of communitywide importance for businesses, offices, retail, government services, and some entertainment. The reason for additional height for the building is that it will assist the neighborhood to provide a stimulus for new commercial and residential uses. It is important that they start on the Master Planner's vision immediately. When talking about height they are referring to 10-feet, or a one-story building, so there will be walkability, and there will not be skyscrapers.

Thomas Mooney, Planning Department Director explained that the first four floors of a building would have to meet the setback, as recommended by the Master Planner, in order to begin improving sidewalk connectivity. Above four floors, the setback would be 25 feet.

Discussion held.

Mayor Levine commented that the Master Plan and all that it entails was carefully planned, and now that the Master Planer has come up with recommendations he wants to know if their recommendations are going to be accepted or not.

Commissioner Arriola explained that the Master Plan calls for a height increase planned into the Town Center, and they need to be consistent with that. The ballot initiative mentioned is probably why this issue is on the table. The height increase is 10-feet or less and the FAR, which has to be voted on by voters, protects against the City turning into "Sunny Isle." He would appreciate the leadership of the City stopping this demagoguery. A height increase is four, five or 10-feet, and now they are going to have at some point a referendum that puts back into the hands of voters any height increase of more than three-feet. That is what this demagoguery has led to and it has been misleading.

Commissioner Steinberg stated that the Master Planner has come up with recommendations, and for the most part, it has been a very, wonderful, positive process. In this instance, the steering committee is in favor of such change; however, the Master Plan, just to be fair, has not been ratified yet, and there might be more tweaks between now and when it is formally approved, but there is a balance that needs to happen. She understands the need for the increase, but also understands that they have people that want to compliment that with the designation of the historic areas, and asked why not do both at the same time. She suggested going forward and adding the other component of the designation.

Motion made by Commissioner Alemán; seconded by Commissioner Malakoff.

Rafael E. Granado, City Clerk, asked for clarification if the motion has to be amended on second reading with an additional Whereas clause.

Thomas Mooney stated that motion does not have to be amended.

3:05:52 p.m.**R5M Below Grade Floor Area - Contributing Buildings**

An Ordinance Amending The Code Of The City Of Miami Beach, Florida, By Amending Chapter 114, "General Provisions," By Amending The Definition Of Floor Area; Which Definition Is Consistent With The Definition Of Floor Area Ratio (FAR) As Existed On November 7, 2001, Thus Ensuring Compliance With Section 1.03(c) Of The Charter; Providing For Repealer, Severability, Codification And An Effective Date. **First Reading**

(Sponsored by Commissioner John Elizabeth Alemán)

(Legislative Tracking: Planning)

ACTION: Title of the Ordinance read into the record. **Ordinance approved on first reading.** Motion made by Commissioner Alemán; seconded by Vice-Mayor Grieco; Ballot-vote: 7-0. Second reading, Public reading scheduled for September 14, 2016. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda, if received. **Thomas Mooney to handle.**

Eve Boutsis, Chief Deputy City Attorney, explained that the City Charter Section 1.03 prevents any FAR increases beyond that which existed in November 2001. Until two years ago, the definition of FAR gave a half value to basements; two years ago this was changed to make it a full value of the FAR. This Ordinance would take it back to the half value existing in 2001 and is consistent with the FAR.

Thomas Mooney, Planning Department Director, stated that this is being done because in 2014, the City Commission amended the Code to remove the half FAR bonus for partial basements; full basements below grade continues to be zero FAR, but partial basements only counter as half. That was removed as part of a proposal to better define a partial basement. At this time, they are proposing to reintroduce that, but only for existing contributing buildings in historic districts that already have a partial basement, so they continue to take advantage of the one-half bonus and give them more flexibility for the restoration of structures. This is reintroduced in a very limited capacity. The Planning Board endorsed it and the Administration is recommending approval.

Vice-Mayor Grieco stated that in 2014, this was done to avoid people from building new structures and avoiding building half basements and being charged for half the FAR; this resulted in unintended consequences for certain buildings in the historic districts.

Motion made.

No further discussion.

R5N Chapter 126 Landscape And Chapter 46 Non-Specimen Trees Ordinances

1. An Ordinance Amending The Land Development Regulations (LDRs) Of The City Code, By Amending Chapter 126, "Landscaping," By Expanding The Applicability, Submittal Requirements For Landscape Plans, Expanding Minimum Landscape Standards, Detailing Maintenance Requirements For Required Landscaping, And Establishing A Tree Trust Fund For The Deposit Of Funds Generated From Not Complying With Landscape Requirements; By Amending Chapter 130, Entitled "Off-Street Parking," Article III, Entitled "Design Standards," To Incorporate Landscape Standards For Temporary And Provisional Parking Lots Into The City Of Miami Beach Landscape Ordinance; Providing For Codification; Repealer; Severability; And An Effective Date. **First Reading**
(Sponsored by Commissioner Joy Malakoff)
(Legislative Tracking: Planning)
(Continued from May 11, 2016 – R5M1)

ACTION: Item withdrawn by Commissioner Malakoff.

2. An Ordinance Amending The Land Development Regulations (LDRs) Of The City Code, By Amending Chapter 46, "Environment", Article II, "Care And Maintenance Of Trees And Plants", Division 2, "Tree Preservation And Protection," By Modifying The Diameter At Breast Height Of Non-Specimen Trees; Providing For Codification, Repealer, Severability And An Effective Date. **First Reading**
(Sponsored by Commissioner Joy Malakoff)
(Legislative Tracking: Planning)
(Continued from May 11, 2016 - R5M2)

ACTION: Item withdrawn by Commissioner Malakoff.

3:09:14 p.m.

- R5O An Ordinance Amending Ordinance No. 789, The Classified Employees Salary Ordinance Of The City Of Miami Beach, Florida, As Follows: In Accordance With The Negotiated Collective Bargaining Agreement, Providing For The Classifications In Group III, Represented By The International Association Of Fire Fighters, (IAFF), Local 1510; Effective The First Pay Period Ending In April Of 2016, There Shall Be An Across The Board Cost-Of-Living Adjustment (COLA) Of One Percent (1%), And The Minimum And Maximum Of Each Pay Range Will Also Be Increased By One Percent (1%); Effective The First Pay Period Ending In July Of 2017, There Shall Be An Across The Board Cost-Of-Living Adjustment (COLA) Of Three Percent (3%), And The Minimum And Maximum Of Each Pay Range Will Also Be Increased By Three Percent (3%); Effective The First Pay Period Ending In July Of 2018, There Shall Be An Across The Board Cost-Of-Living Adjustment (COLA) Of Three Percent (3%), And The Minimum And Maximum Of Each Pay Range Will Also Be Increased By Three Percent (3%); Repealing All Ordinances In Conflict; Providing For Severability, An Effective Date And Codification. **First Reading**
(Sponsored by Commissioner Joy Malakoff)
(Legislative Tracking: Human Resources)

ACTION: Title of the Ordinance read into the record. **Ordinance approved on first reading.** Motion made by Commissioner Alemán; seconded by Commissioner Malakoff; Ballot-vote: 7-0. Second reading, Public reading scheduled for September 14, 2016. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda, if received. **Sylvia Crespo-Tabak to handle.**

Sylvia Crespo-Tabak, Human Resources Department Director, introduced the item. It is a change to the Classified Salary Ordinance, and these items will be brought to the City Commission every time there is a new contract ratified. The IAFF was ratified earlier, but without this Ordinance staff cannot add the negotiating salary issues into effect.

No further discussion held.

3:12:03 p.m.

SUPPLEMENTAL MATERIAL 2: MEMORANDUM & ORDINANCE

R5P An Ordinance Amending Chapter 31 Of The Code Of The City Of Miami Beach, Entitled "Purchasing," By Creating Article III, To Be Entitled "Local Workforce Participation Program For City Construction Contracts," To Establish Workforce Participation Goals And Reporting Requirements For City Construction Contracts In Excess Of \$1,000,000 For The Construction, Demolition, Alteration And/Or Repair Of City Buildings, City Public Works, And Buildings Or Improvements Located On City-Owned Land; Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading**

(Sponsored by Commissioner Micky Steinberg).
(Legislative Tracking: Procurement/City Attorney)

ACTION: Title of the Ordinance read into the record. **Ordinance approved on first reading.** Motion made by Commissioner Steinberg; seconded by Vice-Mayor Grieco; Ballot-vote: 7-0. Second reading, Public Hearing scheduled for September 14, 2016. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda, if received. **Alex Denis and Office of the City Attorney to handle.**

Commissioner Steinberg has always stressed the need to get local residents the first shot at jobs. When the Convention Center project came up she wanted to insert the aspirational language to try to pull from the local workforce, and it actually exceeded their expectations, and since they are included in larger contracts, as a matter of policy. Her goal is to codify that policy to reinvest back in the community and give residents and the community at large the first opportunity at jobs when contracts are over \$1 million. She believes that the 30% reporting is important, as it requires local workforce to report their efforts, and this is a good step in the right direction.

Alex Dennis, Procurement Director, added that this Ordinance establishes a goal of 30% local workforce for City construction contracts over \$1 million. The goal is aspirational and the reporting is a requirement.

Discussion held.

Commissioner Steinberg clarified that the workforce is to be pulled first from Miami Beach and then from Miami-Dade County.

Alex Denis, Procurement Director, clarified that the 30% reporting applies to County residents and the reporting requirements require contracts, both on Miami Beach, and Miami-Dade County.

3:15:22 p.m.

R5Q An Ordinance Amending Chapter 2 Of The Code Of The City Of Miami Beach, Entitled "Administration," By Amending Article III, Entitled "Agencies, Boards, And Committees," By Amending Division 15, Entitled "Miami Beach Sister Cities Program" And Division 16, Entitled "Miami Beach Youth Commission" To Remove "Miami Beach" From The Name Of The Sister Cities Program And The Youth Commission; And, Further Amending Chapter 62, Entitled "Human Relations," By Amending Article II, Entitled "Discrimination," By Amending Division I, Entitled "Generally," By Amending Section 62-34 Thereof, Entitled "City Of Miami Beach Human Rights Committee Established," To Remove "City Of Miami Beach" From The Name Of The Committee; And Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading**
(Sponsored by Commissioner John Elizabeth Alemán)
(Office of the City Attorney)

ACTION: Title of the Ordinance read into the record. **Ordinance approved on first reading.** Motion made by Commissioner Alemán; seconded by Vice-Mayor Grieco; Ballot-vote: 7-0. Second reading, Public reading scheduled for September 14, 2016. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda, if received. **Office of the City Attorney to handle.**

Commissioner Alemán explained that all boards and committees are for Miami Beach, and it is redundant to add Miami Beach in front of their names. This is proposed in order to have the name of these boards and committees in alphabetical order and for easy use.

No further discussion held.

4:26:06 p.m.**4:27:10 p.m.****SUPPLEMENTAL MATERIALS 1: MEMORANDUM & ORDINANCE**

R5R An Ordinance Amending The Miami Beach Human Rights Ordinance (Ordinance No. 2010-3669), By Amending Chapter 62, Entitled "Human Relations," By Amending Article II, Entitled "Discrimination," By Amending Divisions 1-4, Entitled "Generally," "Administration," "Regulations," And "Exceptions," By Amending Sections 62-31, Entitled "Definitions," 62-33, Entitled "Purpose; Declaration Of Policy;" 62-37, Entitled "Duties And Powers;" 62-59, Entitled "Information On Complaint;" 62-86, Entitled "Discrimination In Employment;" 62-87, Entitled "Discrimination In Public Accommodations;" 62-88, Entitled "Discrimination In Housing;" 62-88.1, Entitled "Discrimination In Public Services;" 62-90, Entitled "Municipal Facilities;" 62-91, Entitled "Municipal Funds;" 62-111, Entitled "Employment;" And 62-112, Entitled "Housing;" To Amend The Protected Classes Within The Ordinance To Include The Following Categories: Ancestry, Height, Weight, Domestic Partner Status, Labor Organization Membership, Familial Situation, And Political Affiliation; And By Amending Sections Those Same Additional Categories And To Provide That The Human Rights Ordinance Shall Apply To Actual And Perceived Membership In A Protected Class; And Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading**

(Sponsored by Commissioner John Elizabeth Alemán)
(Office of the City Attorney)

ACTION: Title of the Ordinance read into the record. **Ordinance approved on first reading.** Motion made by Commissioner Alemán; seconded by Vice-Mayor Grieco and Commissioner Steinberg; Ballot-vote: 7-0. Second reading, Public reading scheduled for September 14, 2016. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda, if received. **Office of the City Attorney to handle.**

Commissioner Alemán explained that at the May 3, 2016, the Miami Beach Human Rights Committee meeting, members passed a Resolution to recommend considering amending the Miami Beach Human Rights Ordinance to include the words “actual” or “perceived.” The committee thought this language was necessary in order for perceived discrimination to receive the same consequences as those that are verified. She further commended the members for the research and due diligence done, by comparing several Ordinances from various municipalities and comparing it with the City’s Ordinance. The Human Rights Committee added some categories such as ancestry, height, weight, domestic partner status, labor organization membership, familial situation and health and political party affiliation. She suggested the City Code be amended to reflect the actual and perceived factor and the additional categories.

No further discussion held.

9:39:08 a.m.

R5S An Ordinance Amending Chapter 142 Of The City Code, Entitled “Zoning Districts And Regulations,” Article II, “District Regulations,” Division 13, “MXE Mixed Use Entertainment District,” By Creating Section 142-551 Thereof, Entitled “Additional Regulations For Alcoholic Beverage Establishments,” To Terminate The Sale And Consumption Of Alcoholic Beverages At Alcoholic Beverage Establishments Located On Ocean Drive Between 5th And 15th Streets (Except For Indoor Portions Of Alcoholic Beverage Establishments That Are Completely Enclosed And Located Entirely Within Hotels) At 2:00 a.m.; And Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading**

(Sponsored by Mayor Philip Levine)

(Legislative Tracking: Office of the City Attorney)

ACTION: See new Discussion Item R9W. Title of the Ordinance read into the record.

Handouts and Reference Materials:

1. Email from West Avenue Neighborhood Association (WAvNA), dated July 12, 2016 wavna305@gmail.com@mail219.atl1y1.mcdlv.net, RE: New Laws To Protect Our Neighborhood.
2. Email from AsianF@aol.com dated July 12, 2016 RE: URGENT MESSAGE from Laurence Feingold, P.A., Retired Miami Beach City Attorney.

4:29:14 p.m.

R5T An Ordinance Amending Chapter 102 Of The Code Of The City Of Miami Beach, Entitled "Taxation," By Amending Article V, Entitled "Local Business Tax," By Creating Section 102-386 Thereof To Be Entitled "Property Owner's Responsibilities Regarding Legally Permissible Transient Rental And Occupancy (Short Term) Of Residential Property," By Prohibiting Property Owners From Advertising The Transient Rental Or Occupancy Of A Residential Property Without The Submission Of Affidavit To The City, By Requiring The Affidavit To Confirm That The Land Development Regulations Authorize Transient Rental And Occupancy; And Ensuring That The Property Owner Obtains Compliance With Those Provisions Set Forth Within Chapter 102, And Requiring Notification To Prospective Guests By Property Owners That Operate Independently Of The Primary Hotel Operator; And Establishing A Penalty Provision For Violations Of This Section; Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading**
 (Sponsored by Commissioners Joy Malakoff and John Elizabeth Alemán
 and Co-Sponsored by Vice-Mayor Grieco)
 (Legislative Tracking: Office of the City Attorney)

ACTION: Title of the Ordinance read into the record. **Ordinance approved on first reading.** Motion made by Vice-Mayor Grieco; seconded by Commissioner Steinberg; Ballot-vote: 7-0. **Second first reading scheduled on September 14, 2016.** Lilia Cardillo to place on the Commission Agenda, if received. **Office of the City Attorney to handle.**

AMENDMENTS:

- ✓ Double fines
- ✓ c) If the named violator, after issuance of the notice of violation, fails to pay the civil fine, or fails to timely request an administrative hearing before a special master, the special master may be informed of such failure by report from the Police Officer or code enforcement officer...
- ✓ Vice-Mayor Grieco to work with the Office of the City Attorney to come up with an additional amendment that creates a robust fine structure for individuals that do not go through the process of obtaining a BTR.
- ✓ A (1) The property owner submits an affidavit to the City, under penalty or of perjury for each residential property or unit (or any portion thereof, which states that the property owner:

Aleksandr Boksner, Deputy City Attorney, introduced the proposed Ordinance, which adds as a first component a requirement to prohibit property owners from advertising the transient rental or occupancy of a residential property without compliance with the City Code by means of an Affidavit to the City. The second component is confirming that the Land Development Regulations authorizes the transient rental or occupancy at the premises; the third component is ensuring that the property owner obtains the business tax receipt (BTR) and that there is a resort tax certificate account registered to allow the individual to collect resort tax and submit to the City. Further there is an inclusion in Section 102.386 b. Has obtained a business tax receipt that has been issued to the property owner for the purpose of engaging in the transient rental or occupancy of the residential property or unit, as authorized by the City's Land Development Regulations. This section deals with apartment and condominium hotels operators to provide notification to perspective guests that do not enjoy the same amenities and/or benefits as those hotel guests of the property. They also have created penalty enforcement sections that Commissioner Malakoff requested that for the third violation there will be a \$4,000 fine, and \$8,000 fine for the fourth consecutive violation.

Commissioner Malakoff stated that enforcement and penalties are extremely important and that is the reason she suggested doubling the fines. In addition, regarding section c, she suggested adding the doubled underlined language; c) If the named violator, after issuance of the notice of violation, fails to pay the civil fine, or fails to timely request an administrative hearing before a

special master, the special master may be informed of such failure by report from the Police Officer or code enforcement officer. **Aleksandr Boksner to correct between first and second reading.**

Deputy City Attorney Boksner added that after litigation in Federal court in California involving airbnb in San Francisco, there will be a component added to prohibit a third party website from advertising without obtaining proper verification.

Vice-Mayor Grieco explained that in areas where short-term rentals are legal, even if the land is zoned for short-term rentals or transient rentals, if they do not obtain a BTR or secure the resort tax number, the fine schedule is nominal. He requested, between now and second reading, or even first second reading if the amendment is substantial, that a significant percentage of operators that do not go through the process to obtain a BTR, should have the same fine schedule and fine structure as well. He requested to work with Deputy City Attorney Boksner to come up with an additional amendment that creates a robust fine structure for these individuals.

Discussion held regarding legal and "illegal" short-term rentals and Airbnb.

Aleksandr Boksner, Deputy City Attorney, explained that they will require a second first reading.

Commissioner Steinberg stated that on Page 755 under Section A (1), it should read under penalty of perjury: A (1) The property owner submits an affidavit to the City, under penalty of perjury for each residential property or unit (or any portion thereof, which states that the property owner:

R7 - Resolutions

4:39:43 p.m.

R7A A Resolution Setting 1) The Proposed Operating Millage Rate; 2) The Required Debt Service Millage Rate; 3) The Calculated "Rolled-Back" Rate; And, 4) The Date, Time, And Place Of The First Public Hearing To Consider The Millage Rates And Budgets For Fiscal Year (FY) 2016/17; Further Authorizing The City Manager To Transmit This Information To The Miami-Dade County Property Appraiser In The Form Required By Section 200.065, Florida Statutes.
(Budget & Performance Improvement)

ACTION: Resolution No. 2016-29484 adopted. Motion made by Commissioner Malakoff to approve the Resolution; seconded by Vice-Mayor Grieco; Voice-vote: 7-0. Public Hearing scheduled to [September 14, 2016](#). **Cintya G. Ramos to handle.**

Cintya G. Ramos, Budget Director, introduced the item, which sets the maximum millage rate for the budget.

City Manager Morales stated that the millage rate would be set at 5.8888, which is the lowest it has been in the City since 1963.

Commissioner Alemán asked for clarification. She understands that it is difficult to lower the millage rate, but what would be the property tax revenues if the millage rate were left as-is.

Ms. Ramos stated that having the millage rate set at 5.8888 would bring in a projected \$160 million in property tax revenues for the City.

Discussion held regarding leaving the millage rate at its current rate.

City Manager Morales clarified that the millage rate is going down because the debt service is going down. Thusly, the City must lower the rate.

4:45:21 p.m.

R7B A Resolution Of The Board Of Directors Of The Normandy Shores Local Government Neighborhood Improvement District Setting 1) The Proposed General Operating Millage Rate For The Normandy Shores Neighborhood Improvement District; 2) The Calculated "Rolled-Back" Rate; And, 3) The Date, Time And Place Of The First Public Hearing To Consider The Operating Millage Rate And Budget For Fiscal Year (FY) 2016/17; Further Authorizing The City Manager To Transmit This Information To The Miami-Dade County Property Appraiser In The Form Required By Section 200.065, Florida Statutes.

(Budget & Performance Improvement)

ACTION: Resolution No. 2016-29485 adopted. Motion made by Commissioner Steinberg to approve the Resolution; seconded by Commissioner Alemán; Voice-vote: 7-0. Public Hearing scheduled to September 14, 2016. Lilia Cardillo to place on the Commission Agenda. Rafael E. Granado to notice. **Cintya G. Ramos to handle.**

No discussion held.

4:46:00 p.m.

R7C A Resolution Approving And Authorizing The City Manager, Or His Designee, To Take The Following Actions: Submit To The State Of Florida, Department Of Environmental Protection, Requests For Inclusion In The Clean Water State Revolving Fund (CWSRF) And Drinking Water State Revolving Fund (DWSRF) Programs' Priority Lists; Submit To The State Of Florida, Department Of Environmental Protection, Loan Applications For Construction Funds From The CWSRF And DWSRF Programs; And, Establish Pledged Revenues And Execute Loan Agreements For Construction Funds Through The CWSRF And DWSRF Programs To Finance Proposed Water And Wastewater Projects; Approving And Authorizing The Appropriation Of The Above Funds, Including Any City Expenses; And Further Authorizing The City Manager, Or His Designee, To Take All Necessary Steps And To Execute All Necessary Documents Related To The Above Actions And To Provide The Assurances And Commitments Required By The Loan Applications.

(Budget & Performance Improvement)

ACTION: Resolution No. 2016-29486 adopted. Motion made by Commissioner Malakoff to approve the Resolution; seconded by Commissioner Alemán; Voice-vote: 7-0. **Allison Williams and Cintya G. Ramos to handle.**

Allison Williams, Chief Financial Officer, introduced the item. They are exploring the option of applying for a State Revolving Loan for water and sewer projects. The State Revolving Loan interest rate is 1% versus a 3-5% Bond interest rate. This could result in a \$10 million savings over a 20-year period.

2:30:43 p.m.

R7D A Resolution Authorizing Two (2) Waivers Of Development Regulations, By A 5/7th Vote Of The City Commission, After Public Hearing, Pursuant To Section 142-425(d), Of The City's Code, For The Altos Del Mar Park Project, And Adjacent Parking Lot, (Parking Lot No. P-106), Located At 75th Street And Collins Avenue, Within The Harding Townsite/South Altos Del Mar Historic District And Within The Altos Del Mar Neighborhood: (1) A Waiver Of Section 142-802(3), Of The City Code In Order To Reduce The Required Rear Setback From 10 Feet From The Bulkhead Line To Three-feet, Five Inches (3'5") In Order To Construct The Proposed Restroom And Storage Building Within Parking Lot No. P-106; And (2) A Waiver Of Section 142-802(7), Of The City Code, As The Existing Parking Lot (P-106) And Proposed Restroom Exceed The Oceanfront Overlay Minimum Requirement That At Least 50 Percent Of The Required Rear Yard Setback Be Open To The Sky And Landscaped. **10:30 a.m. Public Hearing**

(Capital Improvement Projects/Planning)
(Deferred from April 13, 2016 - R7C)

ACTION: Public Hearing held. **Resolution No. 2016-29487 adopted.** Motion made by Commissioner Arriola to approve the Resolution; seconded by Commissioner Malakoff; Voice-vote: 7-0. **David Martinez and Thomas Mooney to handle.**

David Martinez, Capital Improvement Projects Director, introduced the item. He asked for a waiver of regulations on the restroom facilities that will be part of the Altos del Mar project, which was approved by the Historic Preservation Board with exception to the volleyball court lights. He asked for a setback waiver to be reduced from 10 to 3½ inches at the east end of the property, and not to comply with the required 50% open sky and landscape rear setback item.

Eve Boutsis, Chief Deputy City Attorney, asked for item R7J, that the public hearing on the vacation of Atlantic Way be heard immediately after this item.

Mr. Martinez stated that the City Commission requested the size of the structure to be reduced to 1,058 square feet, and its height be reduced by five (5) feet. The Historic Preservation Board was comfortable with the changes, and voted in favor of it.

Commissioner Malakoff stated that Altos del Mar requested the restroom and storage not be located in the park, and it was moved to the east of the library, but she wonders if this is too far east. It is her understanding that Altos del Mar will be a passive park, and will be heavily landscaped where the trees will hide the restroom facilities.

Mr. Martinez explained that the restrooms were supposed to be located between the parking lot, the Beachwalk, and the sliver of land that falls in between. The height of the structure is only 14 ½ feet tall, and once the trees mature, he does not believe the facilities will be visible from the nearest home sight to the north of the park.

Discussion held.

Betsy Perez congratulated CIP and the Parks Department for the wonderful job done, but many neighbors are concerned about the lighting being too bright.

Handouts and Reference Materials:

1. Ad 1162 published in The Miami Herald
2. Photograph of Notice of Waiver for Altos del Mark Park, June 27, 2016
3. Altos del Mar labels

2:42:09 p.m.

R7E A Resolution Accepting The Recommendation Of The Finance And Citywide Projects Committee And Approving A Term Sheet, Attached Hereto As Exhibit 1, For The Vacation Of 2,000 Square Feet Within The Alley Known As Alton Court (Hereinafter The "Alley"); Said Vacation In Favor Of The Adjacent Property Owners, 1681 West Ventures, LLC And 1698 Alton Road Ventures, LLC (Collectively The "Developer"); And Authorizing The Administration And City Attorney To Negotiate A Development Agreement Based Upon The Approved Of The Term Sheet.
(Public Works)

ACTION: Resolution No. 2016-29488 adopted. Motion made by Vice-Mayor Grieco to approve the Resolution; seconded by Commissioner Malakoff; Voice-vote: 5-2; Opposed: Commissioners Rosen Gonzalez and Steinberg. **Eric Carpenter to handle.**

No discussion held.

Commissioner Arriola subsequently voted on the item at 2:45:06 p.m.

2:42:50 p.m.

R7F A Resolution Approving, On Second And Final Reading Of This Resolution And Following A Duly Noticed Public Hearing, Pursuant To Section 82-37(a), Of The City Code, The Vacation Of 2,000 Square Feet Within The Alley Known As Alton Court (Hereinafter The "Alley"); Said Vacation In Favor Of The Adjacent Property Owners, 1681 West Ventures, LLC And 1698 Alton Road Ventures, LLC (Collectively The "Developer"); And Further Conditioning The Vacation Of The Alley On: (1) The Issuance By The City Of Two Quit Claim Deeds; (2) The Granting Of An Access And Use Easement By The Developer To The City; And (3) The Final Approval And Execution Of A Development Agreement Between The City And The Developer. **10:35:00 a.m. Second Reading Public Hearing**

(Public Works)

(First Reading on June 8, 2016 - R7D)

ACTION: Public Hearing held. Resolution No. 2016-29489 adopted. Motion made by Vice-Mayor Grieco to approve the Resolution; seconded by Commissioner Alemán; Voice-vote: 7-0. **Eric Carpenter to handle.**

Jay Fink, Assistant Public Works Director, introduced the item, which refers to the vacation of Alton Court. The Finance Committee recommends the approval of this item.

Daniel Ciraldo asked the City Commission to make sure the vacation of public land is done at market value.

Commissioner Arriola explained that there were three different appraisals done to determine the property's value.

Discussion held.

Commissioner Alemán asked if there is a way to make sure the developer does not go through a parking reduction, because that way the City will get 72-172 parking spaces it originally did not have.

Michael Llorente, on behalf of the developer, stated they would be sure the project does not go through parking reduction as requested by Commissioner Alemán.

Handouts or Reference Materials:

1. Ad No. 1162 published in The Miami Herald

2:46:31 p.m.

R7G A Resolution Adopting The Fifth Amendment To The General Fund, Enterprise Fund, Internal Service Fund And Special Revenue Fund Budgets For Fiscal Year (FY) 2015/16. **10:40 a.m.**

Public Hearing

(Budget & Performance Improvement)

ACTION: Public Hearing held. **Resolution No. 2016-29490 adopted.** Motion made by Vice-Mayor Grieco to approve the Resolution; seconded by Commissioner Alemán; Voice-vote: 6-1; Opposed: Commissioner Steinberg. **Cintya G. Ramos to handle.**

City Manager Morales introduced the item that is asking for extra funds for projects taking place throughout the City.

Cintya G. Ramos, Budget Director, stated that this item, if approved, would appropriate \$750,000 of funding for contract maintenance and contracted services expenses in the Property Management Department. These funds are needed in order for the Department to continue necessary operations and keep building and accessories in acceptable condition. The necessary funds would come from Property Management's fund balance.

Commissioner Steinberg stated that she believes the City Commission is getting too comfortable with a rolling budget, and amendments need to be further scrutinized before approved.

Handouts or Reference Materials:

1. Ad No. 1162 published in The Miami Herald

2:48:19 p.m.

R7H A Resolution Accepting The Written Recommendation Of The City Manager (As Set Forth In The City Commission Memorandum Accompanying This Resolution) And Waiving, By 5/7th Vote, The Competitive Bidding Requirement, Finding Such Waiver To Be In The Best Interest Of The City; And Approving And Authorizing The Mayor And City Clerk To Execute A Use Agreement, Substantially In The Form Attached To This Resolution, With Crown Castle Solutions LLC (Licensee), Having A Term Of Nine (9) Years And 364 Days (Without Any Renewal Options); Said Agreement Permitting Licensee To Install And Maintain, At Its Sole Cost And Expense, A Small Cell Network System At The Miami Beach Convention Center, Including A Distributed Antennae System (DAS), Equipment At A Radio Space, And All Associated Telecommunications Cables And Connections, Having A Value Of Approximately \$1 Million; Permitting Licensee To Grant Licenses To Third Party Telecommunications Carriers, At Licensee's Sole Option, For The Use Of The Radio Space And DAS System; And Further Providing The City With An Up Front Fee Of \$25,000, Plus Monthly Payments Equal To Twenty-Five Percent (25%) Of The Net Receipts Collected By Licensee, And A Lump Sum Of \$25,000 Each Time Licensee Executes A License Agreement With A Telecommunications Carrier.

(Tourism, Culture & Economic Development)

ACTION: Resolution No. 2016-29491 adopted. Motion made by Commissioner Alemán to approve the Resolution; seconded by Commissioner Steinberg; Voice-vote: 6-0. Absent: Commissioner Malakoff. **Max Sklar to handle.**

Jimmy L. Morales, City Manager, explained that this item is in regards to Crown Castle installing communication antennas throughout the City of Miami Beach.

2:49:19 p.m.

R71 A Resolution Accepting The Recommendation Of The Neighborhood/Community Affairs Committee At Its May 13, 2016 Meeting To Name The Accessible Playground At Allison Park For Ms. Sabrina Cohen And, Pursuant To Section 82-503 Of The City Code, Setting A Public Hearing For September 14, 2016, To Consider The Naming And Directing The City Clerk To Publish The Appropriate Public Notice.

(Parks & Recreation)

ACTION: Resolution No. 2016-29492 adopted. Motion made by Commissioner Malakoff to approve the Resolution accepting the Neighborhood/Community Affairs Committee's (NCAC) recommendation to name the accessible playground Allison Park for Ms. Sabrina Cohen, and set a public hearing for September 14, 2016 to consider the naming; seconded by Commissioner Steinberg; Voice-vote: 7-0. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda, if received. **John Rebar to handle.**

Commissioner Malakoff stated that Sabrina Cohen is well known to everyone on the City Commission; she is wheelchair-bound and has done so much to help promote access to the disabled throughout Miami Beach; she has been fighting to help stem cell funding through her foundation and keeping the disabled community in better health providing more activity. This proposal is for an accessible playground at 64th Street Park, named in her honor, for all she has done.

Commissioner Arriola stated he was present on the first Adaptive Day and this was a heroic effort on Ms. Cohen's part, and this is a fitting tribute to her in her efforts.

Commissioner Steinberg knew Ms. Cohen prior to her accident, and she thanked Ms. Cohen for her courage and ability to fight for accessibility for all.

Commissioner Alemán thanked the members of the Disability Access Committee.

2:39:47 p.m.

R7J A Resolution Pursuant To Section 82-37(a), Of The City Code, Setting A Public Hearing To Approve The Vacation Of Atlantic Way Between 76th Street And 77th Street, Consisting Of A 30 Foot Wide Right-Of-Way, Containing Approximately 9,000 Square Feet In Total Area, Attached Hereto As Exhibit "A," As Shown On The Corrected Plat "Altos Del Mar No. 1," Recorded In Plat Book 31 At Page 40, Of The Public Records Of Miami-Dade County, And Lying In A Portion Of Government Lot 2, Section 2, Township 53 South, Range 42 East, City Of Miami Beach, In Favor Of The City Of Miami Beach And The Owners Of 7605 Collins Avenue; Waiving, By 5/7th Vote, The Competitive Bidding And Appraisal Requirements Pursuant To, Respectively, Sections 82-39(a) And (b) Of The City Code, Finding That The Public Interest Would Be Served By Waiving Such Conditions; And Referring This Item To The Finance And Citywide Projects Committee, As Required By Section 82-37(a)(1), Of The City Code.

(Office of the City Attorney/Capital Improvement Projects)
(Deferred from April 13, 2016 - R7D)

ACTION: Resolution No. 2016-29493 adopted. Motion made by Commissioner Malakoff to approve the Resolution; seconded by Vice-Mayor Grieco; Voice-vote: 7-0; Second Reading, Public Hearing scheduled for September 14, 2016. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda, if received. **Office of the City Attorney and David Martinez to handle.**

Eve Boutsis, Chief Deputy City Attorney, recommended setting a date for the [September 14, 2016](#) Commission Meeting, accompanied with a duly noticed public hearing on the vacation of Atlantic Way, which is within the park.

Commissioner Alemán commented that this affects everyone; but in particular, this item affects a friend; she asked if she should recuse herself, and was advised that there is no legal conflict of interest, therefore, the law says that she has to vote.

No further discussion.

4:47:36 p.m.**SUPPLEMENTAL MATERIAL 1: MEMORANDUM & RESOLUTION**

R7K A Resolution Authorizing A Change Order To The Purchase Order Issued To David Mancini And Sons, Inc. (DMSI), Under The 63rd Street Water Main Replacement Project Awarded Under The NJPA Agreement With Gordian Group, Pursuant To Contract FL-MDSAU06-052014-DMS, In The Amount Of \$101,287.58, In Order To Provide Expanded Traffic Control Services For Traffic Flow In The Area During The Execution Of The Work, Of Which \$40,107.58 Shall Be Payable From The Project Contingency, And The Balance Of \$61,180.00 Shall Be Payable From Account 424-2759-069357 Entitled "63rd Street 16" Water Main."

(Public Works)

ACTION: Resolution No. 2016-29494 adopted. Motion made by Commissioner Alemán to approve the Resolution; seconded by Commissioner Rosen Gonzalez; Voice-vote: 7-0. **Eric Carpenter to handle.**

Jay Fink, Assistant Director Public Works, stated that the 63rd Street water main replacement project was awarded through the National Joint Owners Alliance (NJPA), which included a maintenance of traffic plan (MOT). During the construction process, the need for additional traffic control was identified by the Police Department, and staff agreed; they have requested DMSI to provide the service as part of the contract. Based on the construction schedule, DMSI has

submitted a cost proposal for the services for the duration of the project in the amount of \$101,287.58. The contingency amount under this contract is \$40,108 that will partially cover the enhanced service level. Public Works is asking to fund the difference in the amount of \$61,180.

No further discussion held.

3:29:50 p.m.

R7L A Resolution Waiving, By 5/7th Vote, The Competitive Bidding Requirement, Finding Such A Waiver To Be In The Best Interest Of The City, And Authorizing The Office Of The Mayor And The Office of the City Attorney To Negotiate An Agreement With Funkshion LLC, In An Amount Not-To-Exceed \$190,000, For The 2067 Rising Above Time Capsule Project; And Further Authorizing The Mayor And The City Clerk To Execute The Agreement.

(Sponsored by Mayor Philip Levine)

(Legislative Tracking: Procurement)

ACTION: Resolution No. 2016-29495 adopted. Motion made by Commissioner Malakoff to approve the Resolution; seconded by Commissioner Alemán; Voice-vote: 6-1; Opposed: Vice-Mayor Grieco. **Alex Denis and Djordje Milekic to handle.**

Djordje Milekic, Branding Manager, Office of the Mayor, explained that this item has been discussed for almost a year, and so they need to update the time capsule timeframe to 2067. The proposal is to start working by the end of this month and have the launching during Art Basel this year. He proposes using the winter and fall social media campaign, such as generating the Time Capsule content, and hold the grand finale next March 2017 for the 102nd Anniversary of the City. He reached out to a few studios, agencies and production companies, and he recommends Funkshion, because not only they do special events and customizing special events, but also they have great capabilities for social media, production and all modern aspects needed for this project.

Jimmy L. Morales, City Manager, recommended waiving the bid process and negotiate as they move forward with the project, and they will provide support during the process.

Vice-Mayor Grieco will respectfully vote “no.”

Commissioner Malakoff stated that it is exciting; this is something that is going to promote what the City is doing about sea level rise, and will bring worldwide awareness and highlight efforts in the fight against climate change and rising sea levels. She believes this is reasonable for what they are getting.

Commissioner Alemán added that this project creates a Miami Beach artifact that is going to contain and embody all of the challenges the City is facing with climate change and sea level rise; and it is a very hopeful thing. 50 years from now, they will open this time capsule and they will reflect back on all the challenges faced and the things they knew or did not know. Years from now, when we open this capsule, it could be a healing thing that brings the community together to say look at how far they have come.

Commission Steinberg stated that this is something that is for the City, and moving forward, for the next generation and the generation after that, and it is something to give back to residents. It is a focal point and a symbol for the City, worldwide and for residents. She thinks it is worth the adventure as the return on that investment will be more than monetary.

Commissioner Arriola is in support of the item.

Commissioner Rosen Gonzalez requested something dynamic for the money; it must be a work of art.

Discussion held.

Handouts and Reference Materials:

1. Updated Resolution

4:48:01 p.m.

R7M A Resolution Accepting The Recommendation Of The Neighborhood/Community Affairs Committee At Its June 10, 2016 Meeting, To Consider Enhancing The Police Presence On The Beachwalk.

(Sponsored by Commissioner Rosen Gonzalez)
(Legislative Tracking: Police)

ACTION: Resolution No. 2016-29496 adopted. Motion made by Commissioner Rosen Gonzalez to approve the Resolution; seconded by Commissioner Steinberg; Voice-vote: 7-0. **Police Chief Oates to handle.**

Commissioner Rosen Gonzalez explained that at the Neighborhood/Community Affairs Committee (NCAC), they had recommended to do two things to Ocean Drive: take the Park Rangers and extend them to Lummus Park, and in addition to that create a Task Force to patrol the Beachwalk. She asked to move the item.

Commissioner Alemán asked if this item is in addition to the Police squads for Ocean Drive or within the context.

Commissioner Rosen Gonzalez added that the recommendation at the Neighborhood/Community Affairs Committee (NCAC) was to enable a Task Force of four to five Police Officers to patrol the beach; they want to make sure the area is secure. At this time, there is no Police presence; there is only a third party security company that they do not think is effective. She does not think it is in addition to the Police squads.

Commissioner Steinberg explained that currently there are 12 Police Officers assigned to the Entertainment District, and asked if those officers that are freed up, will they be able to help in other areas of the City.

Police Chief Oates explained that the enhanced request for the Entertainment District included a second team for the other nights of the week covering the beach, the Boardwalk, Lummus Park and the Ocean Drive area. Several enhancements were identified for three Police Officers for Mid-Beach; a second on 41st corridor and the beach, and two additional Police Officers to deal with all the issues on the boardwalk, the Beachwalk and beach area, as they have been having challenges in the evening. This was another enhancement, in addition to the 12 officers already there.

Discussion held.

4:51:37 p.m.

R7N A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 3 To The Development Agreement Between The City And Jameck Development, Inc. (Jameck Or Developer), Dated July 23, 2014, For The Design, Development, And Construction Of Certain Streetscape Improvements In The City's Right Of Way, At The Portion Of Euclid Avenue Between Lincoln Road And Lincoln Lane South (The Project); Said Amendment: (1) Approving A City Requested Change Order, In The Amount Of \$41,203.75, Relating To Unforeseen Site Conditions, New FP&L Service Point, Handhole And Riser, And Construction Of Planter Ellipse To Protect Existing Copper Pod Trees; (2) Increasing The Guaranteed Maximum Price (GMP) Of The Project From \$819,838.88 To \$861,042.63 In Connection With Said Change Order; And (3) Increasing The City's Budgeted Costs For The Project, From \$466,500.86 To \$489,945.80 To Include The City's Proportionate Share Of The Change Order, In The Amount Of \$23,444.93.

(Deferred from May 11, 2016 - R7I)

(Public Works)

ACTION: Resolution No. 2016-29497 adopted. Motion made by Commissioner Malakoff to approve the Resolution; seconded by Vice-Mayor Grieco; Voice-vote: 7-0. **Eric Carpenter to handle.**

Jay Fink, Assistant Director Public Works, stated that this amendment relates to a project on Euclid Avenue, by Lincoln Road, that pertains to unforeseen conditions found during the construction project, including an FPL line. FPL requires running a new line. There is also the issue of protecting an existing copper pod tree, since the elevations have changed. There is a GPM price increase, but it requires a contract change order in the amount \$23,424.93.

4:52:52 p.m.

R7O A Resolution Endorsing, As Required Pursuant To Section 18-2 Of The Miami-Dade County Code, The Creation By Miami-Dade County Of Special Taxing Districts For Di Lido Island And San Marino Island, Respectively, For The Undergrounding Of Overhead Utilities, Subject To And Contingent Upon Compliance With And Satisfaction Of The Requirements For The Creation Of Special Taxing Districts, As Set Forth In Chapter 18 Of The Miami-Dade County Code.

(Public Works)

ACTION: Resolution No. 2016-29498 adopted. Motion made by Commissioner Steinberg to approve the Resolution; seconded by Commissioner Rosen Gonzalez; Voice-vote: 7-0. **Eric Carpenter to handle.**

Jay Fink, Assistant Director of Public Works, explained that the Venetian Island Homeowners Association (HOA) has approached the City about the creation of a Special Taxing District to fund the undergrounding of overhead utilities on Di Lido and San Marino Islands. Specifically, the HOA seeks to relocate underground the following overhead utilities: electric (FPL), telephone (AT&T), and cable television (Atlantic Broadband). Section 18-2 of the Miami-Dade County Code provides that no Special Taxing District created pursuant to Chapter 18 "shall be comprised solely of a municipality or embrace all or part of a municipality without the approval of the governing body of such municipality." As such, the prior approval of the Mayor and City Commission is required before the County may create the requested Districts. The HOA has requested that the City provide the requisite approval by adopting this Resolution. They have provided them with a number of petitions and signed letters, submitted for the record, and staff recommends endorsing the HOA's request.

Mayor Levine asked if this affects the palms and flood mitigation program in progress.

Jay Fink stated that this will not affect the program in progress.

4:54:15 p.m.

R7P A Resolution Accepting The Recommendation Of The Neighborhood/Community Affairs Committee Regarding The Implementation Of An Intelligent Transportation System And Smart Parking System Throughout The City.

(Transportation)

ACTION: Resolution No. 2016-29499 adopted as amended. Motion made by Commissioner Alemán; seconded by Vice-Mayor Grieco; Voice-vote: 7-0. **Jose Gonzalez to handle.**

MOTION:

Motion made by Commissioner Alemán to move forward and implement Phase One. In terms of the Smart Parking System (SPS), she suggested not including the capacity by level of the garage, but by the garage itself, with Wi-Fi, and consider, as streets are torn, to bring back to the City Commission, to see whether they want to install fiber optic cables.

AMENDMENT:

- ✓ Include additional phases in the RFP, subject to grant funding.
- ✓ As roads are torn, fiber optic cables should be put in place. **David Martinez to handle.**

Jose Gonzalez, Transportation Director, introduced the item, which accepts the recommendation of the Neighborhood/Community Affairs Committee (NCAC) regarding the implementation of an Intelligent Transportation System and Smart Parking System project throughout the study area. Subject to the City Commission's approval, it will allow staff to bring the item back in September (September 14, 2016) with an RFP. The project is approximately \$4.1 million, with the first phase consisting of traffic cameras, travel time devices along the MacArthur Causeway, Julia Tuttle Causeway, Alton Road from 5th Street to the Julia Tuttle Causeway, Dade Boulevard and along 17th Street; as well as 18 digital message signs to provide real-time traffic travel information on incidents and parking garage capacity. Also included as part of Phase One is the Traffic Management Center to be collocated at the FDOT District 6 Traffic Management Center location. Future phases will be issued as they become available.

Commissioner Rosen Gonzalez complained that the total cost of the plan is in excess of \$15 million, and in the end, they do not have smart traffic signals, which is the most important component.

Mr. Gonzalez explained that smart traffic signal controls costs about \$2 million dollars, and those would be installed only in certain corridors.

Discussion held.

Kathie G. Brooks, Assistant City Manager, explained that the smart traffic signals will be included in the scope as an optional item, subject to the City obtaining grants that they are pursuing. They also need to do additional testing on that, as it has not been proven in an urban, dense environment at this time. They are doing some analysis and modeling, which they have further work to do.

Discussion held regarding smart traffic signals and the funds spent.

Commissioner Rosen Gonzalez stated that the City is spending \$14 million, and down the road, the City should have a smart traffic system. She added that technically transportation is the responsibility of the County and the City is going above and beyond by spending over \$15 million; she wants to know that in the end they get what they want, and at this time, they do not know that.

Commissioner Steinberg believes in the vision of an Intelligent Transportation System. She added that the first step is to obtain real live data. In order to understand the mobility and what needs to be done, they need the real time data to be able to properly signalize and synchronize where the issues exist. The only way to obtain that is to approve this item. As she understands, there is a difference between adaptive, which is automated, and smart, where they get real live data and where the person obtaining the information instantly adjusts it manually.

Discussion held.

Commissioner Alemán discussed the existing 18 digital messaging signs with staff, and she asked if there was an after-market to sell them back. The answer is that everyone wants them back, so the initiative to place permanent, attractive, digital messaging signs around the City, does not mean that they have to get rid of the unattractive ones. She made a motion to move forward and implement Phase One. In terms of the SPS, she suggested not including in the capacity by level of the garage, but by the garage itself, with the Wi-Fi. She suggested considering, as they are tearing up the streets, bringing back to City Commission whether they want to install fiber optics, as she thinks they can switch to fiber over time as the infrastructure is built.

Kathie G. Brooks, Assistant City Manager, asked if the City Commission would direct staff to include additional phases in the RFP, subject to grant funding.

Commissioner Alemán accepted the amendment.

Commissioner Malakoff asked, since there will be digging of so many of the roads, as they are doing the Stormwater planning and building roads higher, if they can place the fiber optic cables now for later use, or perhaps place conduits in with fiber optics.

Mr. Gonzalez explained that along State roads, the Florida Department of Transportation (FDOT) can certainly place the fiber optic cables and even partner with municipalities during construction of State roads, and in a few years from now there will be reconstruction in the northern segment from Michigan Avenue north to Indian Creek.

Commissioner Malakoff suggested that wherever they dig the roads, the fiber optic cables should be put in place.

5:02:41 p.m.

R7Q A Resolution Accepting The Recommendation Of The Finance And Citywide Projects Committee Establishing A Requirement That No Less Than Twenty Percent (20%) Of All One-Time Unrestricted Capital Payments To The City Of \$500,000.00 Or More, Including, But Not Limited To, Payments Received Through Lease Re-Negotiations, Money Judgements From Lawsuits, Audit Findings, Or Any Other Lump Sum Payments Shall Be Deposited To A Trust Fund For Capital Or Acquisition Costs Associated With Mass Transit Excluding Reasonable Costs And Any Capital Replacement Costs Associated With The Transaction That Resulted In The Receipt Of The One-Time Cash Payment.

(Sponsored by Mayor Philip Levine)
(Transportation)

ACTION: Resolution No. 2016-29500 adopted. Motion made by Vice-Mayor Grieco to approve the Resolution; seconded by Commissioner Alemán; Voice-vote: 7-0. **Jose Gonzalez to handle.**

Kathie G. Brooks, Assistant City Manager, stated that the item establishes a Capital Transportation Fund and requires 20% of any one-time unrestricted capital payment that would be deposited into that fund for future capital transportation initiative.

Commissioner Malakoff stated that contributions such as fees in lieu of parking continue to go into the parking fund for future garages in the City, due to the tremendous need for garages in the City.

Kathie G. Brooks, Assistant City Manager, stated that those funds are restricted and would not be subject to this item.

5:04:34 p.m.

R7R Endorse Key Elements And Funding Approaches For The Miami Beach Light Rail/Modern Streetcar Project.

1. A Resolution Endorsing The Key Elements Of The Preferred Alternative For The Miami Beach Light Rail/Modern Streetcar Project.
(Transportation)

ACTION: Resolution No. 2016-29501 adopted as amended. Item heard in conjunction with R7R-2. Motion made by Vice-Mayor Grieco to approve the Resolution; seconded by Commissioner Arriola; Voice-vote: 6-1; Opposed: Commissioner Rosen Gonzalez. **Jose Gonzalez to handle.**

AMENDMENT

Investigate the feasibility of having a two-way track, or a shared track, on Washington Avenue due to concerns on the loss of right-of-way. **Jose Gonzalez to handle.**

Kathie G. Brooks, Assistant City Manager, stated that R7R-1 provides the Preliminary Preferred Alternative, or the project definition. On Item R7R-2, which is the initial concept of the funding plan, she suggested that the City Commission endorse the item, as they will continue to refine it during the summer. Item R7R-1 contains the key element of the Preliminary Preferred Alternative discussed at the June 8, 2016 Commission Meeting, which is a loop consisting of bidirectional tracks with vehicles stopping every six to seven and a half minutes during peak periods, with approximately three stops per mile, with ADA accessibility and low-floor level boarding to all vehicle doors, as listed in the Agenda; with center loading platforms between 120 feet to 180 feet in length; stock amenities, which

blend into the overall streetscape, as listed in the Agenda; also the track alignment on Alton Road and Washington Avenue will maintain two lanes of travel in each direction, with on-street parking to be replaced by off-street parking to vehicles, storage, maintenance and operating facility to be at the Collins Public Works Yard site, and that site is to accommodate a fleet of 12 to 14 vehicles, which is what the consultant is estimating they will need to maintain the six to seven and a half minute headways. They continue to evaluate 17th Street versus Dade Boulevard. More analysis is being done in terms of ridership and traffic, but that is the reason this is not included with this item. They are continuing to refine this, and the draft Environmental Report is due in September.

Discussion held.

Commissioner Alemán asked if sea level rise is address in key elements.

Assistant City Manager Kathie G. Brooks stated that it is not, as that was already part of the Procurement requirement documents, so this is already covered.

Vice-Mayor Grieco asked what is the feasibility of having a two-way track or a shared track on Washington Avenue. There is a concern on the loss of right-of-way after efforts to revitalize this area.

Assistant City Manager Kathie G. Brooks stated that she would have the consultant come up and address this issue; however, there are safety considerations with the headways.

Discussion continued.

Robert Lepore, Project Manager, Kimley-Horn, stated that they will investigate; if they did a co-share, there would need to be some additional construction in order to handle the heavy vehicles. This is an idea that was recently suggested and proposed. He explained that during off peak, where frequency is different, sharing may be feasible; however, they need to look into it.

Mayor Levine suggested that they come back with more details.

Discussion held.

Commissioner Alemán asked if they would consider eliminating the median with the palm trees as an option. Once it is taken to one track, there will be a constraint in the schedule.

Vice-Mayor Grieco is not suggesting the solution, but there is a specific issue on Washington Avenue when it comes to the activity of the sidewalks. This is another step in the process, but he wants to make sure they are vetting all options on Washington Avenue with the idea that they want to keep two lanes of traffic in each direction, and the idea that they have a train going in both directions.

Commissioner Rosen Gonzalez proposed that in the next couple of months this City Commission convene a panel of business owners and other people, to make sure that this is the right decision as far as number of tracks and Dade Boulevard versus 17th Street.

Discussion held.

In answering Commissioner Steinberg's question, Assistant City Manager Kathie G. Brooks explained that the next step is to refine this over the summer, come back with a preliminary alternative, as part of the environmental draft statement and then go through an extensive public review and workshops before it is adopted in January 2017.

Commissioner Alemán explained that the real elevations on different streets are uneven and she suggested building more realistic for the City's streets, as the community is looking at this and they will bring improvement and ideas that make sense and are accurate.

Vice-Mayor Grieco stated that at least now they have direction on the technology and it has opened up the dialogue more. He has discussed the issue with many business leaders, at committee and with residents, and there is a great deal of misinformation as well as lack of information. Since the item is not under the Cone of Silence, it can be discussed in detail.

5:15:06 p.m.

2. A Resolution Endorsing Preliminary Preferred Funding Approaches For The Miami Beach Light Rail/Modern Streetcar Project.
(Transportation)

ACTION: Resolution No. 2016-29502 adopted. See comments and action with R7R-1. Motion made by Vice-Mayor Grieco to approve the Resolution; seconded by Commissioner Arriola; Voice-vote: 6-1; Opposed: Commissioner Rosen Gonzalez. **Jose Gonzalez to handle.**

Kathie G. Brooks, Assistant City Manager, introduced the item regarding the various funding approaches presented at committee. They are continuing to explore other sources as listed in the Agenda.

11:45:57 a.m.

R7S Resolutions Related To Proposal Requirements Document (PRD) No. 2016-071-KB Notice Of Unsolicited Proposal And Request For Alternative Proposals For Light Rail Modern Streetcar Project In Miami Beach.

1. A Resolution Accepting The Recommendation Of The City Manager With Respect To The Ranking Of Proposals, Pursuant To Proposal Requirements Document (PRD) No. 2016-071-KB, Notice Of Receipt Of Unsolicited Proposal For Light Rail/Modern Streetcar Project In Miami Beach; And Authorizing Negotiations For An Interim Agreement With The Top-Ranked Proposer, Greater Miami Tramlink Partners, And Should Negotiations With The Top-Ranked Proposer Not Be Successful, Authorizing Negotiations For An Interim Agreement With The Second Ranked Proposer, Connect Miami Beach.
(Procurement/Transportation)

ACTION: Resolution No. 2016-29503 adopted as amended. Motion made by Commissioner Arriola; seconded by Commissioner Malakoff. See motion below; Voice-vote: 6-1; Opposed: Commissioner Rosen Gonzalez. **Alex Denis and Jose Gonzalez to handle.**

MOTION:

Motion made by Commissioner Arriola to accept the City Manager's recommendation and authorize negotiations for an interim agreement with the Manager's top ranked proposer,

Greater Miami Tramlink Partners. If negotiations with Greater Miami Tramlink Partners are unsuccessful, to commence negotiations on an interim agreement with Connect Miami Beach; and further, if negotiations with Connect Miami Beach are unsuccessful, to authorized negotiations with Miami Beach Mobility Partners; seconded by Commissioner Malakoff.

AMENDMENT:

Negotiate an interim agreement with the Manager's top ranked bidder, and if unsuccessful, negotiate with the Manager's second ranked bidder, and if unsuccessful with the Manager's second ranked bidder, negotiate with the Manager's third ranked bidder. (See Motion above.)

Jimmy L. Morales, City Manager, stated that last summer the City received an unsolicited proposal for purposes of a streetcar in Miami Beach, with the goal to work with the County to connect Downtown Miami with the City's Convention Center and creating the link to the mainland. This year, this City Commission decided not to go through the Federal process, but to expedite the Miami Beach portion of this corridor, and directed staff to accept the proposal and put it out to bid for other possible proposals. The City received three proposals. After the procurement process, environmental assessment as directed, and evaluation committee, the Manager prepared his recommendations as listed on the Memorandum. His recommendation is to enter in negotiations with Team No. 1, Greater Miami Tramlink Partners, for purposes of an interim agreement that does not obligate to a final project, but creates parameters under which they can move forward with this team, consultants and staff, and to look forward to April 2017 for a comprehensive agreement to bind the City to a long-term agreement that would lead to the designing, construction, financing and operation of the streetcar program. If unsuccessful in negotiating with team ranked No. 1, they would then go to the second and third highest ranked. Additionally, they would begin to negotiate the interim agreement term sheet. He stated that bid protests have been received from the second and third companies and allowed City Attorney Aguila to explain.

Raul J. Aguila, City Attorney, advised, pursuant to the City's bid Ordinance, that bid protest letters were received from Connect Miami Beach, the second proposer, and Miami Beach Mobility Partners, the third proposer. The protests were divided into two points. The first issue that was raised was the issue of responsiveness of the proposals. The term responsiveness, with regard to a bid protest, usually means that because a bid or a proposal does not comply with the minimum requirements or other required submittals of the solicitation document, then it should be deemed nonresponsive and not be considered. With regard to the issue of responsiveness, the Office of the City Attorney denied the bid protest. The three proposals have been reviewed by the Administration, the Office of the City Attorney, the Procurement Department and by consultant, Kimley-Horn. Prior to presentations at evaluation committee level, all three proposals were deemed by the City to be responsive; that is that they complied with the minimum submittal and requirements of the solicitation document. Because of that, the issue of responsiveness today is not before the City Commission, and it is not within their jurisdiction. The issue of whether a proposal is responsive or not, under the City Code, is an administrative determination and they have advised the bidder, via response to their respective protest, that they disagree with their conclusion. Any appeal with regard to this determination would be to a Circuit Court. That issue is not before the City Commission today. The second issue raised in each proposal was the issue of whether or not the first recommended proposal that the City Manager is recommending, is the best and most responsive proposer to the solicitation document. With regard to that, they raised issues in

the proposal submittals with regard to the technology, interoperability and other subjective issues. In considering whom to recommend, the City Manager has broad discretion under Florida law, so long as he is not arbitrary or capricious. As set forth in their two responses, which he is entering into the record today, he believes that the City Manager's recommendation today is proper, is based upon the record before hand, and is not arbitrary and/or capricious, and can and should be properly considered. He reminded the City Commission that just as the evaluation committee's recommendation is advisory to the City Manager, meaning that he can accept their recommendation or, as he has done in this case, make a different recommendation; the City Manager's recommendation is ultimately advisory to the City Commission. The City Commission can choose to accept the City Manager's recommendation, can make a different recommendation, or do nothing and reject all proposals. He asked that if they consider a different recommendation from the City Manager, then each elected official should set forth their reasons, on the record, so that they have support for it. Finally, he reminded everyone that they are not awarding a contract today; but are requesting authorization to go into the next phase of this process, which is to negotiate an interim agreement with the recommended proposer. An interim agreement, once negotiated, will be brought back to the City Commission for approval. This does not bind the City Commission to move forward with a final contract. All they are asking today is for authority to enter into negotiations with the selected proposer for an interim agreement, which will be brought to the City Commission in September or October.

Jimmy L. Morales, City Manager, added, for the record, that the team he is recommending ranked number one, and it is also the team that the evaluation committee ranked number one, which is the Greater Miami Tramlink Partners team. This is a wireless system. There are a great deal of wired systems around the world, but this City and this City Commission expressed very strong opinions about going wireless, and they have six wireless systems in operation around the world. He had the opportunity to ride two of them and was in concurrence with the evaluating committee in recommending them number one. However, where he did differ with the evaluation committee, in terms of the rankings of the second and third place teams, is that they ranked Connect Miami Beach third; however, he ranked them second. Therefore, he is concurring with the committee on number one in terms of their recommendation. He did switched the second and third. He added that they have three very good proposals, with strong financial backings and concessionaire experience.

Mayor Levine reaffirmed that if this body were to decide to move forward, they are not committing or binding themselves, and if they do move forward with number one and they do not like the pricing, they can move to number two and/or number three. They can cease negotiations if they do not like the pricing and move to the second or third.

City Attorney Aguila clarified that they are not awarding a contract today; they are just authorizing negotiations, if that is the way they decide to go. He also recommended incorporating the City Manager's memorandum into the record.

Commissioner Arriola explained that if this is about giving authority to the Administration to move forward, then, he is in support of that.

Commissioner Alemán stated that at first she was surprised to see the difference in the City Manager's recommendation of the second team; however, after reading the details of the justification, she agreed based on the one, the number of systems in place, and for two, the construction costs. He did a great job and she appreciated his thorough explanation as to how he came to that recommendation. She also received a letter from

the Chamber of Commerce that questioned sea level rise, and she thinks he addressed that well in his recommendation. In reference to the interoperability question; they want it to be interoperable ultimately with Baylink and the Miami side. On page 975 of the memorandum, the City Manager wrote "further I base my recommendation ranking on the fact that Connect Miami Beach stated in its proposals that it would fund its development cost during the intermittent agreement phase at its sole risk, and that he believed whichever team is selected, the City should require such proposal of funds for development cost during the interim phase." They should follow up on that.

City Manager Morales explained that as part of this competitive process, while they have not necessarily priced the system, every element along the way that they can use for leverage of the competition, he would recommend to use as a template.

Commissioner Steinberg thinks that they need to be careful that there is little to no risk to the City; this should be clear. She likes that the City is not bound today and that it is just starting the process, as there are many questions that need answers, such as funding, and connecting to the mainland, and what it is that they really want to achieve. She asked if there is a termination clause.

Discussion held regarding trolleys ordered recently.

Commissioner Rosen Gonzalez addressed the fact that there are 14 deficient trolleys at a cost of \$1.5 million. She suggested creating a panel of business owners that can go through all of the choices presented to make sure that they make sense. She also asked if there is any type of guarantee that there will be a connection.

Jimmy L. Morales, City Manager explained that there is an item on the agenda today to approve the MOU for the City to enter into negotiations with the County and Miami to continue working on that, but there is no commitment today.

Discussion continued.

Mayor Levine has been a member on the Miami-Dade Metropolitan Planning Organization (MPO) for the past three years, and he has never seen an organization that really wants to do well. Unfortunately, the MPO was paralyzed for over 30 years. The beach corridor idea is predicated on the City having a loop; there being a connector across the causeway, and the City of Miami doing their own train going from Downtown to the Design District. Unfortunately, no one has been able to get anything done. The City of Miami Beach has a choice; either be paralyzed; (with the County and the State not making any moves); but if the City moves forward and takes the initiative and does its part, everyone will wake up and move forward. The Secretary of Transportation and the District Secretary are visiting next week. In addition, County Mayor Gimenez is supportive of the item and they are looking to the City for leadership. In answering Commissioner Rosen Gonzalez's question, the Mayor stated that the City of Miami and Miami-Dade County will build a connector. There are no guarantees. There will always be risks, but the people of Miami Beach want movement.

Commissioner Rosen Gonzalez added that this is a \$380 million of taxpayer's money, and they saw what happened with the trolleys. She is asking again for a panel to go through all the decisions the City Commission makes and make sure that they are making the right decisions,

Discussion continued.

City Manager Morales respectfully asked to address the comment of the trolley system being a failure, since it has been a huge success. Back in January of 2014, in 52 days staff put together the Alton/West Trolley. Ridership has been outstanding and it is very popular among residents. Two years ago, they launched the North Beach Trolley with an outstanding ridership and it has been enjoyed by the community. There were ADA issues; however, and earlier this year the City Commission voted to purchase for the Mid-Beach and Collins connector a modified trolley that actually bends down and is lower, and that is the 14 trolleys purchased. Subsequently, the request came in for a complete low-floor trolley. They can do that for the South Beach portion. They tried to change the order for the Mid-Beach, but it was too late; therefore, they are trying to deal with the issue of compatibility. In terms of ridership numbers and the popularity, both have been very well received by the public and provide the transportation needed. He agrees that there is room for improvement.

Discussion continued.

Commissioner Rosen Gonzalez requested the item be deferred for one month.

Commissioner Malakoff is definitely in favor of this item; her concern, as a loyal patron of the New World Symphony, is that this is a quiet system, and she has been assured by other cities that it is quiet. She urged that the route be Dade Boulevard, as it is a wider street, as opposed to 17th Street. Her only objection is that the light rail should not go past the Soundscape Park.

Commissioner Alemán agrees with Commissioner Malakoff on the Dade Boulevard route. She added that the topic is the train, not the trolleys. However, a statement was made that they made a mistake with the trolleys, and she does not concur. The trolleys purchased were fully ADA accessible. They made an intentional, cognitive decision to purchase the trolleys because the operating cost of the "nicer" trolleys was an issue of a million-and-a-half a year; and the trolleys themselves came with no warranty. The warranty was invalidated by the modifications; so there was no error in judgment on their part. She wanted to clear the record on that issue.

Mayor Levine offered, as a courtesy, the opportunity to the bid protestors to speak.

Raul J. Aguila, City Attorney explained that the three proposal teams have representatives and he thinks that it is great that the Commission hears from them prior to taking a final vote. He added that he will reserve, or the City Manager will reserve, at any time, to respond to anything that comes up.

Mark Stempler, Esq., on behalf of Connect Miami Beach, the second ranked proposer, explained that they are proposing to allow a dual track or parallel negotiations with the top two ranked firms. They believe it is the best and smartest route to enter into the negotiations with the top two proposers, especially because the City has not yet evaluated anyone on price. He suggest for the City to enter into dual negotiations to ensure the City can get the best deal for itself and its taxpayers. He repeated that the only way to know which firm may be better is to enter into the dual negotiations, which has no risk to the City, because the City does not have to enter into a contract at this point. They pointed out the issues with the top ranked proposers in the bid protest, which was denied in about 24 hours, which to him is unprecedented as a bid process attorney, but clearly the City is

looking to move quickly on this, despite the fact that the County and City of Miami have not. As Mayor Levine said earlier, let us not make this political, but do what is best for the City of Miami Beach and enter into dual negotiations with the top two proposers, Connect Miami Beach and Greater Miami TranmLink Partners is in the best interest.

Tim Young, representing Connect Miami Beach, added that the opportunity for parallel negotiation will, in fact, give the City the opportunity to investigate the cost, not only to the City, but ultimately to users. He reiterated the opportunity to sit down with the City in the negotiations.

David Custin, representing Sacyr Construction, USA, LLC, one of the two major partners with Miami Beach Mobility Partners Consortium, commended the City Manager, City Attorney and Procurement Director for the process, and stated that ultimately the responsibility lies with the City Commission. His client was in a virtual tie as judged by an evaluation committee. There are three bidders internationally respected, and this is a \$200 to \$400 million investment out of taxpayer's dollars. Before the City makes that financial commitment, he asked that they let the City Manager sit down with all three bidders. The City Manager's hands have been tied; he is not allowing this recommendation and has not been afforded the opportunity to compare the price of the three bidders that it would cost the City. His client has stated on the record, on numerous occasions, that for the \$200 million to \$400 million budgeted by the City, they can do it for \$40 million to \$60 million cheaper. However, as it is right now, the City Manager does not get to prove that, or look at the numbers and have an interactive opportunity and allow them to demonstrate to him the proof. The same manner with the RFP this City Commission tied the City Manager's hands in considering Buy America. If this City Commission adopts the City Manager's recommendation today, this body will be shutting out one, who arguably was tied with the first firm recommended. The City Manager is doing the best he can with the cards this body has dealt him. He stated that this City Commission should be commended for tackling other top issues in the City, but if they adopt the City Manager's recommendation and proceed along the path created through votes, they are not serving the taxpayers well because they are not affording a comparison of price by only three bidders. He asked that direction be given to let the City Manager interview the three proposers and make the recommendation in October.

Mayor Levine afforded the City Attorney the opportunity to respond.

Raul J. Aguila, City Attorney, thought they were going to speak on the substance of their bid protest, which they did not. He clarified that Buy America was not a requirement of this project, but he thinks Mr. Custin acknowledged that.

Motion was made by Commissioner Arriola to accept the City Manager's recommendation.

City Attorney Aguila clarified that the motion would be to commence negotiations on an interim agreement with Greater Miami TramLink Partners, and if they were unsuccessful, and then proceed to negotiate an agreement with Connect Miami Beach.

Discussion continued.

Mayor Levine suggested allowing all three bidders to negotiate with the City.

Commissioner Arriola stated that the debate presented has to do with cost and finance, and this is a complicated bid that took in a great deal of factors. Based on the recommendation, he wanted the City Manager to get authorization to move forward.

Discussion held.

Motion made by Commissioner Arriola to accept the City Manager's recommendation and authorize negotiations for an interim agreement with the Manager's top ranked proposer, Greater Miami Tramlink Partners. If negotiations with Greater Miami Tramlink Partners are unsuccessful, to commence negotiations on an interim agreement with Connect Miami Beach; and further, if negotiations with Connect Miami Beach are unsuccessful, to authorized negotiations with Miami Beach Mobility Partners.

Commissioner Rosen Gonzalez suggested negotiating with all three bidders in terms of price.

City Manager Morales explained that the procurement document approved by the City Commission months ago provided negotiating with the highest bidder, and if unsuccessful, then negotiate with the second bidder. His recommendation is consistent with the document that went out to the marketplace.

Discussion continued.

MOTION:

Motion made by Commissioner Arriola to accept the City Manager's recommendation and authorize negotiations for an interim agreement with the Manager's top ranked proposer, Greater Miami Tramlink Partners. If negotiations with Greater Miami Tramlink Partners are unsuccessful, to commence negotiations on an interim agreement with Connect Miami Beach; and further, if negotiations with Connect Miami Beach are unsuccessful, to authorized negotiations with Miami Beach Mobility Partners; seconded by Commissioner Malakoff; seconded by Commissioner Malakoff. Voice vote: 6-1; Opposed: Commissioner Rosen Gonzalez.

Commissioner Steinberg asked if this is not binding the City in any way and if they can terminate at any time for any reason.

City Manager Morales answered in the affirmative.

Handouts and Reference Materials:

1. Email from custindr@davidrcustin.com dated July 7, 2016 at 5:18 PM RE: Item #R7S Resolutions Related To Proposal Requirements Document (PRD) No. 2016-071-KB.
2. Email from Raul Aguila dated July 7, 2016 at 5:58 PM to David Custin and Jimmy Morales RE: #R7S Resolutions Related To Proposal Requirements Document (PRD) No. 2016-071-KB.
3. Email from custindr@davidrcustin.com dated July 7, 2016 at 6:02 PM RE: Item #R7S Resolutions Related To Proposal Requirements Document (PRD) No. 2016-071-KB.
4. Letter from David R. Custin dated June 30, 2016 sent via email to Jimmy L. Morales@miamibeachfl.gov RE: Request for Alternative Proposals for Light Rail/Streetcar Project – PRD 2016-071-KB (PRD).
5. Email from custindr@davidrcustin.com dated July 11, 2016 at 5:21 PM RE: Item R7S-PRD relating to Unsolicited Proposal- RFP for Light Rail Modern Streetcar Project with attached document titled MBeachMobilityPartners-PRD2016-071-KB_CustinToManagerLetter_06-30-2016.pdf.

6. Bid Protest Letter from Alfredo Gonzalez, Genovese Joblove & Battista, dated July 11, 2016, sent via e-mail and hand delivered, RE: Protest of *Proposal Requirements Document (PRD) 2016-071-KB – Notice of Receipt of Unsolicited Proposal and Request for Alternative Proposals for Light Rail/Modern Streetcar Project in Miami Beach*.
7. Email from David Custin to Commissioner Kristen Rosen Gonzalez, dated July 12, 2016 at 7:44 PM, RE: Item R7S-PRD relating to Unsolicited Proposal-RFP for Light Rail Modern Streetcar Project, with attached document titled MBeachMobilityPartners-PRD2016-071-KB_CustinToManagerLetter_06-30-2016.pdf.
8. Speakers List
9. Clerk's Note: City Manager's Memorandum incorporated into the record. See: <http://web.miamibeachfl.gov/WorkArea/DownloadAsset.aspx?id=88328>

12:31:37 p.m.

2. A Resolution Approving The Interim Agreement Term Sheet And Key Concepts For A Comprehensive Agreement For A Light Rail/Modern Streetcar Project In Miami Beach Pursuant To Section 255.065 Of The Florida Statutes And Proposal Requirements Document (PRD) No. 2016-071-KB.
(Procurement/Transportation)

ACTION: Resolution No. 2016-29504 adopted. Motion made by Commissioner Arriola to approve the Resolution; seconded by Vice-Mayor Grieco; Voice-vote: 6-1; Opposed: Commissioner Rosen Gonzalez. **Alex Denis and Jose Gonzalez to handle.**

Handouts and Reference Materials:

1. Email from custindr@davidrcustin.com dated July 7, 2016 at 5:18 PM RE: Item #R7S Resolutions Related To Proposal Requirements Document (PRD) No. 2016-071-KB.
2. Email from Raul Aguila dated July 7, 2016 at 5:58 PM to David Custin and Jimmy Morales RE: #R7S Resolutions Related To Proposal Requirements Document (PRD) No. 2016-071-KB.
3. Email from custindr@davidrcustin.com dated July 7, 2016 at 6:02 PM RE: Item #R7S Resolutions Related To Proposal Requirements Document (PRD) No. 2016-071-KB.
4. Letter from David R. Custin dated June 30, 2016 sent via email to Jimmy L. Morales@miamibeachfl.gov RE: Request for Alternative Proposals for Light Rail/Streetcar Project – PRD 2016-071-KB (PRD).
5. Email from custindr@davidrcustin.com dated July 11, 2016 at 5:21 PM RE: Item R7S-PRD relating to Unsolicited Proposal- RFP for Light Rail Modern Streetcar Project with attached document titled MBeachMobilityPartners-PRD2016-071-KB_CustinToManagerLetter_06-30-2016.pdf.
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7. Email from David Custin to Commissioner Kristen Rosen Gonzalez, dated July 12, 2016 at 7:44 PM, RE: Item R7S-PRD relating to Unsolicited Proposal-RFP for Light Rail Modern Streetcar Project, with attached document titled MBeachMobilityPartners-PRD2016-071-KB_CustinToManagerLetter_06-30-2016.pdf.

5:15:33 p.m.

R7T A Resolution Approving A Memorandum Of Understanding Between City Of Miami Beach, Florida, City Of Miami, Florida, Miami-Dade County, Florida And Florida Department Of Transportation, District No. 6 For Beach Corridor Direct Connection Project (NEPA Environmental Studies, Project Development, Engineering And Construction Phases, Funding, Project Sponsorship; And Operating Agency), Including Authorizing The City Contribution Of \$417,000, Or 4.17% Of The Overall Study Cost.

(Transportation)

ACTION: Resolution No. 2016-29505 adopted. Motion made by Commissioner Alemán to approve the Resolution; seconded by Commissioner Malakoff; Voice-vote: 7-0. **Jose Gonzalez to handle.**

Kathie G. Brooks, Assistant City Manager, explained that this is approval of the MOU with Miami-Dade County, MPO, FDOT and the City of Miami. This was originally brought to the City Commission in December for moving the causeway portion of the project forward. At that time there was concern as to whether or not the projects could move forward separately. Discussions have been held, and if approved, the item will be discussed at the MPO on July 21, 2016. Regarding funding, it is \$10 million, of which the City is contributing \$417,000.

No further discussion.

5:16:58 p.m.

R7U A Resolution Accepting The Recommendation Of The Neighborhood/Community Affairs Committee At Its May 13, 2016 Meeting To Adopt A Policy Requiring That All Future Special Events Requiring Lane Closures Along Major Thoroughfares In The City Of Miami Beach Obtain Prior City Commission Approval.

(Transportation)

ACTION: Resolution No. 2016-29506 adopted. Motion made by Vice-Mayor Grieco to approve the Resolution as is; seconded by Commissioner Arriola; Voice-vote: 5-2; Opposed: Commissioner Alemán and Rosen Gonzalez. **Jose Gonzalez to handle.**

Jose Gonzalez, Transportation Director, introduced the item and explained the recommendation. He explained that the intent is to limit some of the special events that close lanes in the major thoroughfares throughout the year. At the Neighborhood/Community Affairs Committee (NCAC), the Committee expressed concern regarding the future of some of these events, and it was recommended that all 16 existing events be grandfathered in. In the future, any new events will come in front of the City Commission to obtain prior approval.

Commissioner Malakoff requested raising fees for the for profit events. She understands grandfathering in the non-for-profit events.

Commissioner Arriola explained that the lane closures are made at the authority of staff. He asked, since staff has done well in the past, why would the City Commission want to have authority to close lanes. He personally does not want to micromanage the issue.

Mayor Levine stated that residents are complaining due the increasing number of events and consequent closure of lanes, and it may be beneficial for the City Commission to take a look at these lane closures.

Discussion held.

Vice-Mayor Grieco clarified that these events and lane closures have not all worked well; they had to micromanage the Art Show, for example. Lanes on major thoroughfares are important, and when some of these events occur, they can cripple the traffic in the City. He is in support of the item and thinks this will add a level of accountability. In regards to the fees, this may requires discussion at Finance.

Commissioner Alemán requested a list of the 16 special events from Max Sklar, and from looking at the list provided, half of them are for profit, and most of them are not known and the economic impact is not that impressive. Therefore, even if the cost is worthwhile, she wants these lane closures brought in front of the City Commission.

Mayor Levine agreed.

Discussion held.

Commissioner Steinberg added that lane closures for the various running events occur early in the weekends, and added that the City needs to do a better job in communicating those lane closures; however, she is open to exploring the issue further.

Discussion held.

5:26:57 p.m.

R7V A Resolution Accepting The Recommendation Of The City Manager, And Waiving, By 5/7th Vote, The Competitive Bidding Requirement, Finding Such Waiver To Be In The Best Interest Of The City, And Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 4 To The Agreement, Dated May 8, 2014, Between The City And Limousines Of South Florida, Inc., For Turn-Key Operations And Maintenance Services Of A Municipal Trolley System For The City Of Miami Beach; Said Amendment Increasing The Scope Of The Agreement To Include The Following: (1) The Addition Of One (1) Bidirectional Route In South Beach; (2) The Addition Of Twelve (12) New Low-Floor Trolley Vehicles For Use In Connection With The Operation Of The South Beach Route, North Beach Route, And Middle Beach Routes (The Middle Beach Loop And The Collins Link); (3) A Negotiated New Hourly Rate Commensurate With The Cost Of The Low-Floor Trolley Vehicles And The Additional Services For The New South Beach Route; (4) Authorizing The City Manager To Approve The Purchase Of Additional Optional Equipment For The Low-Floor Trolley Vehicles In The City Fleet, As May Be Needed In The Administration's Discretion, Subject To Funding Availability; (5) Any Additional Modifications To The Agreement Deemed Necessary By The Administration With Respect To The Modification Of The Scope Contemplated By The Amendment; And (6) Increasing The Annual Cost Of The Agreement, From A Not To Exceed Cost Of \$6,700,000 To A Not To Exceed Cost Of \$12,000,000.

(Transportation)

ACTION: Item withdrawn.

1:36:40 p.m.

R7W A Resolution Accepting The Written Recommendation Of The City Manager (As Set Forth In The City Commission Memorandum Accompanying This Resolution) And Waiving, By 5/7th Vote, The Competitive Bidding Requirement, Finding Such Waiver To Be In The Best Interest Of The City; And Approving And Authorizing The Mayor And City Clerk To Execute A Premises Use Agreement, Substantially In The Form Attached To This Resolution As Exhibit "A," With Design Miami II, LLC For Use Of Portions Of The Preferred Parking Lot, Located To The West Of The Miami Beach Convention Center, For A Period Of Approximately Four (4) Months, To Hold The Design Miami Show For Specific Dates During The 2016 Calendar Year.
(Tourism, Culture & Economic Development)

ACTION: Resolution No. 2016-29507 adopted as amended. Motion made by Commissioner Arriola to cap the prorated parking cost to 50% for a period of five weeks; seconded by Commissioner Alemán. Voice-vote: 7-0. **Max Sklar to handle.**

MOTION 1:

Motion made by Commissioner Alemán to approve the item; seconded by Commissioner Malakoff. Voice-vote: 7-0.

MOTION 2:

Motion made by Commissioner Arriola to cap the prorated parking cost to 50% for a period of five weeks; seconded by Commissioner Alemán. Voice-vote: 7-0.

Max Sklar, Tourism, Culture and Economic Development Director, introduced the item. The agreement with Design Miami Shows was terminated in order to accommodate the agreement the City has with Clark Construction to use the P-Lot for staging; however, negotiations continued to see if Design Miami could accommodate them in the P-Lot. Clark Construction agreed for Design Miami to use the western portion of the P-lot where construction employee's vehicles are parked. They will park in other facilities and Design Miami will pay for the cost to relocate them to park in another location. He clarified that in the Memorandum, Design Miami also pays for the spaces in the parking lot. He entered into the record a correction of the total cost in the Memorandum, from \$84,000 to \$108,000, as reflected in the agreement. Additionally, the agreement states that Design Miami is going to pay for, and provide, all power on the site; however, since in the past the City provided power to them in the parking lot, they agreed to accommodate them and provide them with power in the parking lots, probably through generators.

Commissioner Malakoff asked if this would delay the Miami Beach Convention Center schedule of timeline.

Maria Hernandez, Capital Projects Director, explained that it would not delay the timeline, as the construction workers would only be relocating the parking spaces, and it will only be for approximately a month.

Commissioner Alemán is in favor of the item, but added that they need to maximize the value and optimize the parking.

Mr. Sklar added that there is an option for Design Miami to be in the same space in 2017 with certain deadlines included.

Discussion continued regarding rent relief.

City Manager Morales clarified that Design Miami will pay rent and the City will provide power for free.

Motion 1 made by Commissioner Alemán to approve the item, seconded by Commissioner Malakoff. Voice vote: 7-0.

Neisen Kasdin, representing Design Miami, thanked the City Commission for their vote and consideration, but added that there is a significant additional cost ranging from \$40,000 to \$80,000 for Clark construction parking to be paid by his client, aside from the rent, and asked for consideration in not having to pay all the costs due to the construction and the relocation of Clark's parking. He suggested that whatever the actual cost of the parking for construction be offset against the rent.

Commissioner Arriola is in agreement to entertain some assistance, as they are an important anchor institution for the City.

Mayor Levine suggested 50/50 and there was some consensus on the dais.

Vice-Mayor Grieco reminded the City Commission that Design Miami was offered opportunities to go to other places during the interim period for Clark parking that did not involve the relocation cost, and by choice they made this decision with the contemplated cost.

Commissioner Rosen Gonzalez understands that Art Basel and Design Miami should be near the location; that is how they always have exhibited and she is in support of the assistance.

Mr. Kasdin stated that Design Miami was originally in the Miami Design District for the first few years; it is owned by Art Basel and Craig Roberts; it was decided that it would be best for the show to be located next to Art Basel Show, so this is important, as this was the reason Design Miami moved to Miami Beach.

Mayor Levine thinks it is fair at 50/50, but agreed with Vice-Mayor Grieco that they must be mindful of not spending money in a casual manner.

Commissioner Alemán is in favor of the item, and suggested having an estimate and including a not to exceed figure at the July 20, 2016 Presentation and Awards Agenda.

Discussion continued.

Max Sklar stated that the cost of the parking is about \$45,000 per month for 450 employees, and they anticipate needing half that amount for one month.

Discussion held.

Mayor Levine asked that they put an estimate, cap it by six weeks, and broken down 50/50 for five weeks.

City Manager Morales stated that if anyone questions the City's commitment to the Basel brand, it is costing the City millions of dollars to accommodate the commitment they made to Basel that they will have a convention center built for them in December.

Motion 2 made by Commissioner Arriola to cap the prorated parking cost to 50% for a period of five weeks; seconded by Commissioner Alemán. Voice-vote 7-0.

7:25:03 p.m.

SUPPLEMENTAL MATERIAL 1: REVISED MEMORANDUM & RESOLUTION

R7X A Resolution Accepting The Recommendation Of The Finance And Citywide Projects Committee (FCWP), And Approving A Ninety (90) Day Pilot Program For The Televising Of Special Master Hearings For Short-Term Rentals; And Authorizing The City Manager To Direct The Communications Department To Televising The Special Master Hearings Pertaining Solely To Short-Term Rental Violations Cited Pursuant To Sections 142-109, 142-905 And 142-1111 Of The Miami Beach Code Of Laws And Ordinances For The Duration Of The Pilot Program Of Ninety Days.

(Sponsored by Commissioner John Elizabeth Alemán)
(Legislative Tracking: Code Compliance/Office of the City Attorney)

ACTION: Resolution No. 2016-29508 adopted. Motion made by Commissioner Alemán to approve the Resolution; seconded by Commissioner Steinberg; Voice-vote: 7-0. **Tonya Daniel to handle.**

No discussion held.

5:26:43 p.m.

R7Y A Resolution Accepting The Recommendation Of The Neighborhood/Community Affairs Committee At Its June 10, 2016 Meeting To Extend The Park Ranger Program To Lummus Park, Subject To Approval Of The FY 2016/17 Operating Budget Enhancement Request.
(Parks & Recreation)

ACTION: Resolution No. 2016-29509 adopted. Motion made by Vice-Mayor Grieco to approve the Resolution; seconded by Commissioner Steinberg; Voice-vote: 7-0. **John Rebar to handle.**

City Manager Morales introduced the item, and stated that this item is part of the enhancement effort discussed the previous week, which would have two Park Rangers patrol Lummus Park.

John Rebar, Parks and Recreation Department Director, detailed the responsibilities of the Park Rangers that include serving as ambassadors to guests and residents, assist with compliance, enforce codes, write citations, and they will be in direct contact with the Miami Beach Police Department.

Commissioner Rosen Gonzalez stated that the Park Rangers are another component in the effort to save Ocean Drive.

Discussion held.

Parks and Recreation Department Director Rebar stated that there was a homeless epidemic in Flamingo Park, and the count went down to zero once the Park Ranger program was implemented. He explained that the Park Rangers would be in service from 8 a.m. until midnight.

Commissioner Arriola asked if the hours could be shifted and start at 10 a.m. and end at 2 a.m. the following morning.

Discussion held regarding Park Ranger hours and quality of life issues.

Commissioner Rosen Gonzalez would like to see the hours extended to 2:00 a.m.

Discussion continued.

Police Chief Oates stated that the current Park Ranger hours as recommended are appropriate, because from midnight until 8 a.m. Police Officers should take over due to the dangers Park Rangers may encounter.

Discussion continued on the Park Ranger hours.

3:17:50 p.m.

R7Z A Resolution Calling For A November 8, 2016 City Of Miami Beach Special Election, For The Purpose Of Submitting To The Electorate Of The City Of Miami Beach A Question Asking Whether City Code Section 2-485 Should Be Amended To Delete The Requirement That Lobbyists File An Annual Statement Disclosing Compensation And Expenditures Related To Lobbying Activities When They Have Not Received Compensation Or Incurred Expenditures During The Reporting Period.

(Office of the City Attorney)

ACTION: Resolution No. 2016-29510 adopted. Motion made by Vice-Mayor Grieco; seconded by Commissioner Arriola; Voice vote: 7-0. **Office of the City Attorney and Office of the City Clerk to handle.**

Raul J. Aguila, City Attorney, introduced the item.

Joseph Centorino, Executive Director, Ethics Commission, stated that the Ethics Commission expressed a concern, as the City of Miami Beach is the only local government where they get referrals from regarding expenditure reports by lobbyists, since the County had a similar requirement but repealed it. In the City of Miami Beach, the failure to file an expenditure report has a penalty of \$50 per day fine, and if appealed it comes to the Ethics Commission. This has resulted in grossly disproportionate fines for relative minor violations; most of the time is from someone that is not familiar with lobbyist regulations and the fines are \$10,000 to \$30,000 for having filed forms reporting nothing. This has resulted in something that is grossly disproportionate, and the Ethics Commission reviewed over 20 lobbyist appeals with recommended fines from \$700 to up to \$37,000. Most of the times they waive the fines, and at times for repeated offenders they impose a 5% fine fee. They had a similar problem with the County and this was resolved by repeal the County provision. The City of Miami requires filing a financial report, but they have a flat fine of \$25. They are limited to enforcing the Miami Beach provision, which imposes hiring an investigator and finding the violator. He suggested amending the Ordinance to keep a flat fine fee and he asked the City Commission to consider placing this issue on the ballot.

Mayor Levine asked what happens if this referendum does not pass.

Raul J. Aguila, City Attorney, explained that with Ethics legislation, the residents tend to uphold the stronger standards, and that is why the City educates voters with the Voters Guide. If they decided to reduce fines, it would still be considered a less stringent requirement; he suggested placing this on the ballot.

Commissioner Steinberg asked if the City sends notifications to the lobbyists.

Rafael E. Granado, City Clerk, stated that notifications and reminders, second and third, are sent.

Discussion held.

Motion made by Vice-Mayor Grieco; seconded by Commissioner Arriola; Voice vote: 7-0.

11:44:39 a.m.

R7AA A Resolution Calling For A Special Election On November 8, 2016, For The Purpose Of Submitting To The Electorate Of The City Of Miami Beach, Florida A Question Asking Whether City Code Section 2-459 (Which Prohibits City Board Members And Their Associates From Lobbying City Personnel) Should Be Amended To Include An Exception Allowing Land Use Board (Board Of Adjustment, Design Review Board, Historic Preservation Board, Panel Of Architects, And Planning Board) Members Who Are Architects Or Landscape Architects To Lobby City Personnel And Agencies On Land Development Applications, Except For Applications Before The Board On Which They Serve.

(Sponsored by Commissioner Joy Malakoff)
(Legislative Tracking: Office of the City Attorney)

ACTION: Resolution No. 2016-29511 adopted. See related item R5D. Motion made by Commissioner Malakoff to approve the Resolution; seconded by Commissioner Alemán; Voice-vote: 5-2; Opposed: Commissioners Steinberg and Rosen Gonzalez. **Office of the City Attorney and Office of the City Clerk to handle.**

Eve Boutsis, Chief Deputy City Attorney, introduced the item.

See discussion with item R5D.

Commissioner Malakoff clarified that there cannot be a Panel of Architects unless item R7AA passes.

7:25:33 p.m.

R7BB A Resolution Approving And Accepting A Grant Of A Perpetual Sidewalk Easement Agreement Between The City And Palau Sunset Harbor, LLC, As The Owner Of The Residential Apartment Building Known As "Palau" Located At 1201-1237 20th Street, Miami Beach, Florida; Which Easements Shall: Allow The City To Use Palau Sunset Harbor, LLC's Sidewalk As A Public Sidewalk Pedestrian Access Easement Area.

(Public Works)

ACTION: Resolution No. 2016-29512 adopted. Motion made by Commissioner Alemán to approve the Resolution; seconded by Commissioner Malakoff; Voice-vote: 7-0. **Eric Carpenter to handle.**

Jay Fink, Assistant Director Public Works, stated that this item is asking to enter into a perpetual easement with the Palau to use the sidewalk on their property, since the previous sidewalk had to be removed.

Handouts and Reference Materials:

1. Email from Peter Luria peterpl@bellsouth.net dated July 11, 2016 at 7:10 AM, RE: Pedestrian Safety, ADA compliance, Encroachments in the Public Right-of-Way – Sunset Islands 3 & 4 Infrastructure Project, Miami Beach, with attached document titled SunsetBridgeNo2boundary.pdf; PastedGraphic-1.tiff.
2. Email from dkraai@atlanticbb.net dated July 11, 2016 at 8:59 AM, RE: Pedestrian Safety, ADA compliance, Encroachments in the Public Right-of-Way – Sunset Islands 3 & 4 Infrastructure Project, Miami Beach.

7:26:19 p.m.

R7CC A Resolution Relating To The Annual Performance Evaluation Of The City Clerk; And, In Consideration Of The City Clerk's Exemplary Performance During Contract Year May 1, 2015 Through April 30, 2016, Amending The City Clerk's Employment Agreement Of April 22, 2015, By Granting A Salary Increase Of Three Percent (3%), Effective As Of And Retroactive To May 1, 2016; Increasing The City's Current Contribution To The City Clerk's 457(b) Deferred Compensation Plan By \$2,100 A Year; Increasing The City Clerk's Vehicle Allowance By \$1,200 A Year; Providing The City Clerk, For The Term Of The Employment Agreement, Cost-Of-Living Adjustment(s) (COLA) Equivalent To That Received By Unclassified Employees; And Extending The City Clerk's Employment Agreement For An Additional One (1) Year, With A New Expiration Date Of April 30, 2016.

(Sponsored by Commissioner Ricky Arriola)

ACTION: Resolution No. 2016-29513 adopted. Motion made by Commissioner Malakoff to approve the Resolution; seconded by Commissioner Alemán; Voice-vote: 7-0. **Sylvia Crespo-Tabak to handle.**

Commissioner Arriola stated that both the City Clerk and the City Attorney are great assets to the City, due to their experience and loyalty.

7:28:46 p.m.

R7DD A Resolution Relating To The Annual Performance Evaluation Of The City Attorney; And, In Consideration And Recognition Of The City Attorney's Performance During Contract Year May 16, 2015 Through May 15, 2016, Amending The City Attorney's Employment Agreement, By: 1.) Approving A Salary Merit Increase Of Three Percent (3%), Effective As Of And Retroactive To May 16, 2016; 2.) Increasing The City's Current Contribution To The City Attorney's 457(b) Deferred Compensation Plan To \$24,000 A Year; 3.) Providing The City Attorney, For The Term Of The Employment Agreement, Cost-Of-Living Adjustment(s) (COLA) Equivalent To That Received By Unclassified Employees; And 4.) Extending The Term Of The City Attorney's Employment Agreement For An Additional Three (3) Years, With Such Renewal Term Commencing On May 16, 2017, And Ending On May 15, 2020.

(Sponsored by Commissioner Ricky Arriola)

ACTION: Resolution No. 2016-29514 adopted. Motion made by Commissioner Malakoff to approve the Resolution; seconded by Commissioner Alemán; Voice-vote: 7-0. **Sylvia Crespo-Tabak to handle.**

See discussion with item R7C.

R7EE A Resolution Authorizing The City Manager To Approve The Indian Creek Storm Water Improvements From 26th To 41st Street Project Utilizing The Competitively Bid National Joint Powers Alliance (NJPA) Cooperative Contract For Construction Services With The Gordian Group.

(Public Works)

ACTION: Item deferred to the July 20, 2016 Presentation and Awards Commission Meeting. **Eric Carpenter to handle.**

7:29:41 p.m.

ADDENDUM MATERIAL 2

R7FF A Resolution Urging The Florida Legislature To Amend Section 775.085 Of The Florida Statutes To Include Enhanced Penalties For Felonies And Misdemeanors Committed Against Law Enforcement Officers, Firefighters, Emergency Services Personnel, And Code Enforcement Officers Due To Their Employment Status.

(Sponsored by Commissioner John Elizabeth Alemán)

(Legislative Tracking: Office of the City Attorney)

ACTION: Resolution No. 2016-29515 adopted. Motion made by Commissioner Alemán to approve the Resolution; seconded by Commissioner Arriola; Voice-vote: 7-0. **Office of the City Attorney to handle. Office of the City Clerk to transmit the Resolution.**

Commissioner Alemán stated that the City needs to create an environment where the best and the brightest seek out to become Police Officers, Firefighters and Code Enforcement Officers, in order to avoid societal problems the City is currently facing. This legislation needs to be adopted at the State level.

7:31:09 p.m.

ADDENDUM MATERIAL 2

SUPPLEMENT MATERIAL 3: ATTACHMENT

R7GG A Resolution Accepting The City Manager's Recommendation Of AECOM To Modify The Methodology For Calculating The Equivalent Residential Unit (ERU) For Stormwater Utility Usage, And Directing The City Administration To Draft An Ordinance Amending Chapter 110 Of The City Code To Implement The Modified ERU Calculation From 791 To 849 Square Feet Of Impervious Area.

(Public Works)

ACTION: Item deferred to the July 20, 2016 Presentation and Awards Commission Meeting. **Eric Carpenter to handle.**

City Manager Morales stated that two years ago, the City Commission approved a rate increase to support \$100 million bond; some residents expressed concern about the allocations of Equivalent Residential Unit (ERU) and a study was requested to see if there was a way to make it equitable to condominium owners, as compared to homeowners. The Finance and Citywide Projects Committee has looked at this issue, and AECOM worked with staff to propose a methodology.

Mayor Levine asked if this item can be deferred to the Presentation and Awards Commission Meeting of July 20, 2016 or at the September 14, 2016 Commission Meeting.

Eric Carpenter, Assistant City Manager, explained that the challenge in waiting to September is that they get a rate setting the first week of September.

There was consensus to defer the item to the July 20, 2016 Presentation and Awards Committee Meeting.

R9 - New Business and Commission Requests

R9A Board And Committee Appointments.
(Office of the City Clerk)

ACTION: The following appointments, reappointments and changes were made:

DISABILITY ACCESS COMMITTEE

David McCauley Removed due to absences

MARINE AND WATERFRONT PROTECTION AUTHORITY

Albert Parron Removed due to absences

Manon "Marie" Hernandez Removed due to absences

MIAMI BEACH SISTER CITIES PROGRAM

Omar Caiola Removed due to absences

POLICE/CITIZENS RELATIONS COMMITTEE

Suzan Speiser TE 12.31.2017 TL 12.31.23 Appointed by Commissioner Kristen Rosen
Gonzalez

John Kanter Removed due to absences

YOUTH COMMISSION COMMITTEE

Benjamin Bernstein TE 06.08.17 TL 06.07.18 Appointed by Mayor Levine

Olivia Kramer TE 06.08.17 TL 06.07.18 Appointed by Commissioner Alemán

Liaison Appointments

Morgan Goldberg LGBT Advisory Committee

David Zaret Miami Beach Commission for Women

Dr. Leslie Rosenfeld Miami Beach Youth Commission

TE: Term Ending

TL: Term Limit

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

ACTION: No appointments were made.

8:32:48 a.m.

R9B1 Dr. Stanley Sutnick Citizen's Forum.

ACTION: The following individuals spoke:

1. Jean Martielli stated that she owns a historic building in the City, and complained of inability to sleep due to the trash situation in the neighborhood because her neighbors are storing trash in the backyard. She reached out to Code Compliance, but the situation has not been resolved. She urged the City Commission to restore her quality of life.

City Manager Morales stated that her e-mails have been forwarded to staff, and he will follow up on it. **Robert Santos-Alborna to handle.**

2. Ofelia Colunga spoke on the crime occurring in the community, which has created a high crime rate, homeless attacks, and people smoking marijuana. She complained of vehicles speeding at night in the neighborhood and has begun to feel "afraid" to go out at night. Ocean Drive and Washington Avenue are the areas of concern. They need the City Commission actions to continue. She supports the sale of alcohol to stop at 2:00 a.m.
3. Betty Ortega, Vice-President of Decoplage Condominium Association, complained that there is a lack of Police presence in the corridor from the Ritz Carlton to the beach, as there are drugs being sold and alcohol in the beach concession areas. She asked that this tourist area be more protected.
4. Mitch Novick commented on the public safety of the streets of the City, and read a message into the record. He added that the hiring of more Police Officers has repeatedly been proven to be a waste of taxpayers' money, and the answer is rezoning the Entertainment District, as it was done in New York City, Panama City and others.
5. Rachel Poses expressed concern over the design of the new seawall at the Cherokee Street end; she stated it would be a shame to take away the access of residents to Surprise Lake. There are alternatives the City could consider that achieve both the City's needs to combat sea level rise and still allow residents to have access to the water.
6. Jolie Warshaw, Director of Sales for Avalon Hotel and South Seas Hotel, stated that two weeks ago two of their guests were attacked and sexually assaulted. It is time for change on Ocean Drive. Corporate partners are reluctant to book with them and have lost business because it is not safe. The safety of the City is paramount.
7. David Mills, representing concerned citizens, stated that the occupancy of hotels is down 10%; and the main reason for this is the lawlessness, rowdiness and loudness of Ocean Drive. Guests complain about the noise in Ocean Drive. The balance has shifted to the nightlife. He is in support of regulating alcohol establishments by 2:00 a.m. Hoteliers and nightlife must be balanced.
8. Robin Schwartz, LGBT member, spoke on item C4N regarding renaming "Banyan Park." She stated that the word "tolerance" may not be the appropriate and suggested using the word "sensitive."

Commissioner Malakoff asked if there were other recommendations.

Discussion held.

9. Joshua Wallach stated that Ocean Drive is the crown jewel of the City, and it is an important part of the Miami Beach destination. He believes the solution to Ocean Drive's problem is to get tough on people coming across the bay targeting guests and tourists, and he believes they need to preserve the City's nightlife.
10. Reverend Thompson, Miami Beach Community Church, spoke on the issue of mobile showers for the homeless. Mobile showers are recommended by the Committee on the Homeless. He shared his experience with homeless individuals and added that there is a sense of hopelessness on the streets. He urged not to forget those that do not have a voice

and need the help.

11. Sabrina Carta, Mango's Tropical Café, is not in support of the 2:00 a.m. cutoff of alcoholic beverages. She believes that many establishments do not follow the law. She added that the City should enforce the law first.
12. Mike Palma with Clevelander stated that they want the best for Ocean Drive and to lower crime. He believes the answer is not changing the alcohol sales deadline to 2:00 a.m., but to get Code Enforcement and the Police engaged, and come up with a solution working together with the City.
13. Lynn Hernandez, South Florida Regional Director for Florida Restaurant and Lodging Association, met with other hotel operators yesterday, and they oppose regulations on limiting the sale of alcoholic beverages at 2:00 a.m. on Ocean Drive.
14. David Wallach, Mango's Tropical Café, stated that it is disconcerting to all of them to see what is going on with Ocean Drive. His establishment has invested money and time in Ocean Drive. He gave a historical summary of Ocean Drive dating from the time of Mayor Ciment to the present. He stated that policing the area is the right thing to do. This government gave an entertainment license to a wholesale liquor store on 9th Street, and it is now a high-crime area. They have repeatedly asked to change the zoning to stop wholesale liquor establishments. The laws are not being enforced, such as the open-container law. He has sent e-mails on repeated occasions and nothing has been done. There was no Police presence during the Fourth of July. He talked of the high character of the Miami Beach Police Department, but urged the City Commission to increase the Police visibility on Ocean Drive.

1:06:00 p.m.

R9B2 Dr. Stanley Sutnick Citizen's Forum.

ACTION: The following individuals spoke:

1. Helen Schwartz, Disability Access Committee member, stated that there are some streets that are poorly maintained that pose a danger to handicapped individuals, more specifically; the 1100 Block of Lincoln Road. In regards to the trolleys, people voiced concerns about the trolleys because the access is steep for many handicapped residents.
2. Captain Dan Kipnis spoke regarding Purdy Park and the commercial use for duck tours and kayaks being proposed; he commended the City Commission for having a park ranger there. This has worked and eliminated the conflict. The park can be used for limited commercial use.

Vice-Mayor Grieco informed that the item had been approved. (See item R5A.)

3. Ray Breslin stated that many residents are concerned about traffic, but there is a massive effort being done by the City to renovate the Convention Center with the least amount of traffic impact as possible.
4. Beth Bowling spoke on light rail connectivity between specific areas and community events at the New World Symphony. The light rail needs to unify neighborhoods, and not divide them.

Discussion held regarding the light rail project.

5. Beverly Unger spoke regarding access to Surprise Lake for residents at the Cherokee Avenue Seawall. She asked that the City Commission preserve the view to the lake.
6. Ana Calderon, Miami Beach resident, spoke in Spanish. Building Director Mariano Fernandez translated at the request of the City Commission. He explained that Ms. Calderon feels discriminated. She attends the 5th Street cafeteria, but was recently told that seniors who do not live in the building will no longer be allowed to eat at that location.

Commissioner Rosen Gonzalez stated that the City needs to look into what is going on with the Little Havana Activities and Nutrition Center (Little Havana) funding, because now it is affecting several of the City's cafeterias. (See item R9J.)

7. Ricardo Gonzalez stated that he like many other seniors is appreciative of the benefits this country offers its citizens, but there is also a great deal of abuse in the system. He believes they are being shunned away from these cafeterias, because they do not live in the buildings where they are located. (See item R9J.)

Commissioner Rosen Gonzalez stated that they should pass a resolution asking Little Havana to explain what their funding problem is.

Commissioner Alemán stated that Council Tower South is now rationing meals. Seniors need to get a voucher before they get their meals.

Maria Ruiz, Housing and Community Services Director, stated that she will reach out and see what the situation is.

Commissioner Arriola asked Ms. Ruiz to report to the City Commission by next week's meeting or sooner, because this is a problem and even Mayor Gimenez has been hearing about this situation. **Maria Ruiz to handle.**

Ms. Ruiz stated that five sites have shut down, because of the funding cuts from the State Legislature. In answering Mayor Levine, she stated that Stella Maris actually requires \$59,000 per year to fund the meals.

Mayor Levine explained that the One Miami Beach charity may be able to help, and he could start making telephone calls asking for donations for this cause, if his colleagues direct him to do so.

Commissioner Steinberg stated that there needs to be a clarification as to what is happening, and whether there is more to this story.

Commissioner Alemán agreed with Commissioner Steinberg's statement and asked whether this is because of lack of State funds, or Little Havana's mismanagement.

Discussion held.

7:33:01 p.m.

R9C Discussion Regarding North Beach Local Historic Districts And Recommendations Of The North Beach Master Planner.

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

ACTION: Discussion held. Direction to get local designation process started based on the provided boundaries. **Thomas Mooney to handle.**

Commissioner Alemán introduced the item, and stated that a border has been created around the Local Historic Districts in North Beach.

Commissioner Malakoff asked that the City make sure steps are taken to get the Local Historic Districts designated sooner rather than later so the moratorium can be lifted, and the development regulations from the Master Planner can be implemented.

Thomas Mooney, Planning Department Director, asked for direction in bringing the preliminary evaluation back to the Historic Preservation Board.

Commissioner Malakoff stated that the Historic Preservation designation needs to move forward.

Discussion continued.

7:36:56 p.m.

R9D Discussion Regarding A New Paradigm For A Resident Alert System.

(Sponsored by Commissioner John Elizabeth Alemán)
(June 8, 2016 Item Requested to come back in July 13, 2016 - R9Q)

ACTION: Discussion held. **Ariel Sosa to handle.**

Commissioner Alemán introduced the item.

Mark Taxis, Assistant City Manager, stated the Information Technology staff has been working on this project; it will be delivered within the next 30 days. He stated a person would be able to register an e-mail address with the City. After they register, they will be able to search any keyword, and if those words appear on an agenda, a link would be sent to their registered e-mail address.

4:02:14 p.m.

R9E Discussion Regarding The Recommendation Of The Neighborhood/Community Affairs Committee At Its May 13, 2016 Meeting To Refer To Commission The "Issue" Of Encroachments In The Public Right Of Way.

(Capital Improvement Projects)

ACTION: Discussion held. Motion made by Vice-Mayor Grieco to support staff recommendation and add the clear zones; seconded by Commissioner Arriola; Voice vote: 5-3; Opposed: Commissioners Alemán, Steinberg and Malakoff. **Eric Carpenter to handle.**

Eric Carpenter, Assistant City Manager/Public Works Director, stated that they seek direction regarding the treatment or removal of encroachments in the public right-of-way during Capital Improvement Projects in neighborhoods. He stated there were three different items they had identified for potential discussion points. The first issue is the safety concern; second is storm water management; and third is an equity issue. This was discussed at the Neighborhood/Community Affairs Committee (NCAC) and the Committee made their recommendations. Their recommendation is the equity issue is internally too complex to go into detail. He believes they have work around for the storm water issue. There is support for addressing the triangle issue but no clear direction on the clear zone (six-foot wide in small neighborhoods from the edge of pavement where one has to have non-frangible structures).

Mayor Levine stated he had no specific thoughts on the matter, and asked the Commissioners if they had any specific recommendations.

Jimmy L. Morales, City Manager, stated that there is consensus on sight triangles. The issue is the six-foot clear zone, and the concern is that the City could face liability if there were an accident.

Mayor Levine asked Eric Carpenter where he is seeing a backlash.

Eric Carpenter stated it was mainly through e-mails.

Discussion held.

The following individuals spoke regarding safety issues:

Judith Samuels

Tony Rodriguez

Jacqueline Lalonde

Discussion continued.

Mayor Levine told Assistant City Manager/Public Works Director Carpenter he does not believe in a one size fits all approach for every street.

Assistant City Manager/Public Works Director Carpenter said they will not take a one-size fits all approach, they will enforce minimum standards.

Discussion continued.

Vice-Mayor Grieco asked how wide the actual roadways are now on Sunset Islands 3 and 4.

Assistant City Manager/Public Works Director Carpenter said there are currently two 8-foot wide lanes, for a total of 16 feet.

Discussion held.

David Martinez, CIP Director, explained the clear zones and stated that they will rip out two feet and lose two to four feet beyond the gutter line.

Mayor Levine suggested trying to work with the neighbors, appropriate boards/committees, and associations.

Assistant City Manager/Public Works Director Carpenter stated that he believes they gave everything they could to the Neighborhood/Community Affairs Committee (NCAC) Board. There were a total of 18 requests made by the Neighborhood/Community Affairs Committee (NCAC) and they have given them approximately 12 out of the 18 requests.

Discussion held.

Motion made by Vice-Mayor Grieco to support staff recommendation and add the clear zones.

The following individuals spoke after Vice-Mayor Grieco made a motion:
Inga Luccisaenis, Sunset Island IV resident
Peter Luria

5:33:36 p.m.

R9F Discussion Regarding The Temporary Relocation Of Maurice Gibb Playground.
(Sponsored by Commissioner Kristen Rosen Gonzalez)

ACTION: Discussion held. Motion made by Commissioner Steinberg; seconded by Commissioner Rosen Gonzalez to refer to Neighborhood/Community Affairs Committee. **John Rebar to handle.**

REFERRAL:

Neighborhood/Community Affairs Committee

Commissioner Rosen Gonzalez stated that residents are concerned there will be no park while the City revamps Maurice Gibbs Park. She wants to address the issue and would like to relocate the park to Belle Isle or across the street.

John Rebar, Parks & Recreation Director, stated that there are three options. The first is building a permanent structure in Belle Isle. The second is to build a temporary structure in Belle Isle that will be removed once Maurice Gibbs Park reopens; and third is to build a temporary structure adjacent to the Maurice Gibbs Park.

Discussion held.

Commissioner Steinberg appreciates the options and thinks is a bigger conversation about where the park is going. She suggested referring the item to Committee. Real timelines and numbers need to be evaluated. She also asked John Rebar when they would begin construction on the Park.

Parks & Recreation Director Rebar stated they may begin construction this calendar year. It will be out of service for up to 18 months from the time of closure until they reopen.

Commissioner Rosen Gonzalez asked what is the most financially sound option.

Discussion held.

1:48:26 p.m.

R9G Discussion To Reconsider Seawall In Lakeview Neighborhood, As It Is Overwhelming And Unnecessary At This Time.

(Sponsored by Commissioner Kristen Rosen Gonzalez)

ACTION: Discussion held. Item referred dually to the Neighborhood/Community Affairs Committee (NCAC) and Finance & Citywide Projects Committee by acclamation. See motion and referral below. **Morgan Goldberg and Allison Williams to place on the Committee Agendas. Eric Carpenter to handle.**

MOTION NO. 1:

Motion made by Commissioner Alemán to come back with alternate designs for a low profile seawall that would allow neighborhood access to the lake; a standard concept applicable to all City's seawalls, allowing interior neighbors access to the water and refer the item to the Finance and Citywide Projects Committee to evaluate alternative costs; seconded by Commissioner Rosen Gonzalez; Voice vote: 3-4: Opposed: Mayor Levine and Commissioners Arriola, Malakoff, and Vice-Mayor Grieco. Motion fails.

MOTION NO. 2:

Motion made by Commissioner Alemán to remove Cherokee out of the table and look at the overall study of street ends and come up with an evaluation. By acclamation.

REFERRAL:

Dual referral to the Neighborhood/Community Affairs Committee (NCAC) and Finance & Citywide Projects Committee

Eric Carpenter, Assistant City Manager/Public Works Director, introduced the item. The seawall is a priority 2 item, with an NAVD of 0.88. As a result, they recommend to move forward with this wall funded in FY 15/16, and as of October 1st they will be moving forward with the wall.

Discussion held.

Commissioner Rosen Gonzalez stated that they want something fair and equitable to everyone, and asked Assistant City Manager/Public Works Director Carpenter to explain the ADA issues.

Assistant City Manager/Public Works Director Carpenter stated that kayak launching at other parks, such as Pine Tree Park, are ADA accessible, but he is not sure whether this is required. They are trying to determine what is required when doing such a project.

Rick Kendle stated that at this time they cannot do kayak launch because it is currently illegal to launch from street ends per a City Ordinance passed two years ago and the State considers kayaks and paddleboards as vessels. In the future a kayak launch can be added, and it does not have to be ADA compatible. He thinks they should move forward with the seawall.

The following individuals spoke in favor of the kayak launch:

Eric Poses
Captain Dan Kipnis

The following individuals spoke against the kayak launch:

Rick Kendle
Roger Miller
Kathy Tyne

Jeff Bercow

Discussion held.

Eric Carpenter, Assistant City Manager/Public Works Director, explained how the issue of this seawall got started in 2012 before this City Commission was elected. The City has been working to get the contract in place.

Commissioner Steinberg stated that there is misinformation about the seawall and what people wanted. The City has raised its standards to higher levels, and that plays into this. She suggested to move forward with the seawall, but to give the community the opportunity to have a kayak launch.

Commissioner Arriola believes there is no consensus to do both and believes there is strong opposition to a kayak launch, and the City should move forward with the seawall.

Commissioner Alemán stated that neighbors believe the seawall needs to be repaired, and neighbors are opposed to this becoming a destination with a disrupting parking situation. An aftermarket kayak launch will protrude, and neighbors do not want that. She was shown a possible solution with a design where the seawall is engineered in such a way that there is access to water from neighbors; there are destination kayak launches at other parks, such as Maurice Gibb Park. She asked for possible solutions and bring the item back in September to see what can be done Citywide.

Commissioner Malakoff is not in support of a kayak launch because of parking issues in the residential area, swales and driveways. She thinks it is an unsound use of the City's public money that should be used for public parks.

Commissioner Rosen Gonzalez believes that everyone wants to repair the seawall, but there should be a compromise so that everyone can have access to the water.

Mayor Levine stated that the mandate to the Administration is to carry on and get the seawall done.

MOTION NO. 1:

Motion made by Commissioner Alemán to come back with alternate designs for a low profile seawall that would allow neighborhood access to the lake; a standard concept applicable to all City's seawalls, allowing interior neighbors access to the water and refer the item to the Finance and Citywide Projects Committee to evaluate alternative costs; seconded by Commissioner Rosen Gonzalez; Voice vote: 3-4: Opposed: Mayor Levine and Commissioners Arriola, Malakoff, and Vice-Mayor Grieco. Motion fails.

MOTION NO. 2:

Motion made by Commissioner Alemán to remove Cherokee out of the table and look at the overall study of street ends and come up with an evaluation.

Mayor Levine suggested a dual referral to the Neighborhood/Community Affairs Committee (NCAC) and Finance. Referral approved by acclamation.

Handouts and Reference Materials:

1. List of Signed Letters from Neighbors Updated as of July12, 2016.
2. Cherokee Avenue Street-End Seawall – May 2015 E-Mail Correspondence.

3. Photographs of seawall.
4. Alternate Design Concepts for the Cherokee Seawall Lakeview Neighborhood, created by Jason Cummins, Marine Engineer, Cummins I Cederberg, submitted by the City of Miami Beach by Eric Poses, July 13, 2016.
5. List of Signatures Supporting the Petition to Maintain Water Access for NMVs at the Cherokee Avenue Street-End Seawall, submitted by Eric Poses, July 11, 2016.

7:37:27 p.m.

R9H Discussion On High-Floor Trolley Vehicle Order Cancellation Impact And Options To Consider.
(Transportation)

ACTION: Discussion held. Lilia Cardillo to place on the **July 20, 2016** Presentation & Awards Commission Agenda. **Jose Gonzalez to handle.**

DIRECTION:

Move forward with Option 3, and

Bring item back to the July 20, 2016 Presentation & Awards Commission Meeting to approve the amendment to the current agreement.

Jose Gonzalez, Transportation Director, explained that at the June 8 Commission Meeting, direction was given to staff to cancel an order for seven (7) out of fourteen (14) modified/kneeling high-floor/rear-end trolleys that were already in production, and at that meeting it was discussed the cost related to parts; since June 8, 2016 they formally communicated the direction to the trolley manufacturer, LSF, and LSF provided a letter, that is part of the record, that states that the City's exposure as a result of the cancellation is approximately \$1.5 million. Subsequently, considering that the cancellation cost of the seven (7) trolleys is higher than the full cost of ownership, the City directed LSF not to cancel the order. Three Options have been presented on how to move forward and staff is seeking direction. **Option 1** follows the original direction provided by this body, consisting of proceeding with 14 modified kneeling/high-floor trolleys for North Beach, Mid Beach and Collins Lane loop, and competitively procuring the South Beach trolley service with local trolleys only. **Option 2** is the same as Option 1, with the exception of adding an on-demand service that they would procure for wheelchair passengers only. **Option 3**, in lieu of competitive bidding the South Beach trolley service, an amendment can be made to the existing agreement with the trolley operator and add the South Beach trolley as part of that amendment using low-floor vehicles and then they would be disbursed among all the trolley routes.

Commissioner Malakoff recommends Option 2 to go forward with what they already spent the money on, and not take \$1.5 million hit; however, they already directed staff to order the low-floor trolleys for the South Beach route. Passengers in wheelchairs will have an opportunity for on-call service or taking the kneeling trolleys, which also are ADA accessible.

Discussion held.

Commissioner Rosen Gonzalez is not in support of Option 3.

Alex Heckler, Esq., representing Transportation America and LSF, stated that in January 2016 the City Commission voted for procuring the 14 trolleys; they negotiated with City staff, and explained that they are supportive of the direction given by this City Commission in moving forward.

Discussion continued regarding the City's model.

Commissioner Steinberg stated that she has a problem with this; this is not just an issue of handicap accessibility, but it is also about someone with a stroller or a cane, and all sorts of accessible issues that may occur. She suggested implementing a few low-floor trolleys to be in the circulator, with the difference of the headway, but they still get that service.

Discussion continued.

Commissioner Malakoff requested going forward with the existing order, including low-floors for the South Beach route, and provide an additional service for on-demand service for passengers in wheelchairs.

Vice-Mayor Grieco concurs.

Discussion continued.

Commissioner Steinberg thinks Option 3 is the best option at this time.

Commissioner Alemán stated that Option 3 has the trolley App with an indicator for the schedule when the low-floor arrives; is predictable, although less frequent. She suggested Option 3.

Discussion continued.

Kathie G. Brooks, Assistant City Manager, stated that either one is doable; Option 3 will have them at all routes and the App can tell people when they are approaching; the difference with Option 2 is that all of the South Beach trolley service will be low floors. Instead of using all of them in South Beach, they will switch out some of the ones in North Beach as well. If Option 3 is chosen, they need to come back on Wednesday, July 20, 2016 to approve the amendment to the current agreement.

Discussion continued regarding Option 3.

7:46:37 p.m.

R9I Referral To The Planning Board - Ordinance Amendments For Transit Intermodal Facilities: A) Comprehensive Plan Amendment Implementing The Transit Intermodal Facilities Component Of The Transportation Master Plan; And B) Amendments To Land Development Regulations Of The City Code Regarding Height And Accessory Use Requirements For Main Use Parking Structures And Transit Intermodal Facilities.

(Sponsored by Commissioner Ricky Arriola)
(Legislative Tracking: Transportation)

ACTION: Discussion held. Motion made by Commissioner Malakoff to refer the item to the Planning Board; seconded by Commissioner Rosen Gonzalez. Voice vote: 7-0. **Jose Gonzalez to handle.**

REFERRAL:
Planning Board

Commissioner Arriola introduced the item. This is a referral to the Planning Board to discuss the Land Use amendment allowing intermodal facilities to be used throughout various zoning districts.

Thomas Mooney, Planning Department Director, stated that this item has been endorsed by the Land Use & Development Committee.

1:28:15 p.m.

R9J Discussion Regarding The Closure Of The Stella Maris House Congregate Meal Site Operated By Little Havana Activities And Nutrition Center.

(Sponsored by Commissioner John Elizabeth Alemán)

(June 8, 2016 Item Requested to come back in July 13, 2016 - R9V)

ACTION: Discussion held. Bring item to the [July 20, 2016 Presentation and Awards Commission Meeting](#). Moved by acclamation. The City will provide interim funding to Little Havana Activities and Nutrition Center through July 22, 2016. **Maria Ruiz to handle.**

See item R9B2 Stanley Sutnick Hour Part 2 at 1:17:23 p.m. for the following speakers: Ana Calderon, and Ricardo Gonzalez.

Vice-Mayor Grieco asked Ms. Ruano how many sites Little Havana Activities and Nutrition Center (Little Havana) serves.

Betty Ruano from Little Havana, replied that they currently serve 16 sites including Stella Maris, and have closed two sites, effective July 1, 2016, and Stella Maris is pending today's outcome.

Vice-Mayor Grieco asked what the process is for Little Havana to know when to stop serving, and make budget cuts.

Ms. Ruano stated that cuts are made equally at all locations, in order to keep all sites operational, but the centers have been running at a deficit each year. All these centers use bare minimum requirements such as one coordinator, one part-time aide, partial liability insurance, electrical bills, and some centers have telephones. They have recently applied for County funds, and are currently in the competitive process.

Mayor Levine asked that this be vetted between this meeting and the following meeting of July 20, 2016.

Commissioner Rosen Gonzalez asked to see the numbers of what is being spent on the Miami Beach centers. Rebecca Towers and Council Towers seem to be properly funded, but as the speakers said during Sutnick hour, some seniors are being turned away because they do not live in those specific towers.

Ms. Ruano stated that meals would not be impacted in any location.

Commissioner Rosen Gonzalez stated that the Stella Maris is in need of \$59,000.

Mayor Levine asked to bring this item back to the Presentations & Awards City Commission Meeting of July 20, 2016.

Ms. Ruano explained that the funding problem occurred because the money was granted on a non-recurring basis, which had to be requested every year. After years of relying on this money, the State Legislature recently denied the funds.

Commissioner Rosen Gonzalez stated that the City Commission would look for the needed funds.

City Manager Morales stated that the City has been funding Little Havana in the interim, and it ends this Friday, July 15, 2016. He requested the City provide Little Havana funding through next Friday, July 22, 2016. Request granted by acclamation.

7:47:16 p.m.

R9K Discussion Regarding Streamlining Permitting For Interiors Of Residential Units.
(Sponsored by Commissioner Joy Malakoff)

ACTION: Discussion held. **Mariano Fernandez to handle.**

Commissioner Malakoff introduced the item, and stated that when a Miami Beach resident wants to renovate the interior of their condominium unit or single-family home, the plans must first be brought to the Building Department, Planning and Zoning, Public Works and the Fire Department. She recommends streamlining the process, as far as the permits are concerned.

Mariano Fernandez, Building Department Director, explained that by the City Code all of these Departments must review the plans, but what he can do is review the process, and see if there are ways to make it more efficient.

Discussion held on the efficiency of reviewing interior renovation plans.

7:49:52 p.m.

R9L Discussion Regarding Taking Legal Action Against Airbnb, Before It Takes Legal Action Against The City For Trying To Regulate It.
(Sponsored by Commissioner Kristen Rosen Gonzalez)

ACTION: Discussion held. **Office of the City Attorney to monitor.**

Commissioner Rosen Gonzalez thinks they should pursue legal action against Airbnb, due to all of the illegal listings taking place in the City. She highlighted the legal action taken by the City of San Francisco against Airbnb.

Mayor Levine does not believe litigation is the right choice at the moment, but he believes the City's current fines are so large that it will deter people from using Airbnb.

Discussion held regarding the City of San Francisco's litigation against airbnb.

Aleksandr Boskner, Deputy City Attorney, stated that it is not the recommendation of the Office of the City Attorney to initiate litigation against airbnb, but they are monitoring what is going on.

Ray Breslin asked that a hotline be setup to make it easier to report the Airbnb activity.

7:59:48 p.m.

R9M Discussion Regarding Placing A Ballot Question On The November 8, 2016 Special Election, Regarding A Charter Amendment Requiring Voter Approval Before Allowing An Increase To The Maximum Building Heights.

(Sponsored by Commissioner Kristen Rosen Gonzalez)

ACTION: Discussion held. Item heard in conjunction with item R9T. Deferred to the [July 20, 2016 Presentations & Awards City Commission Meeting](#). City Attorney to provide legal opinion; City Clerk to provide update on petition signature certification from the Miami-Dade County Supervisor of Elections. Lilia Cardillo to place on the Presentations & Awards City Commission Agenda, if received. **Office of the City Attorney to handle.**

Commissioner Rosen Gonzalez introduced the item. Between 5,000 and 6,000 signatures were collected in a petition regarding building height increases, which would require a majority approval in a Citywide referendum any time a building is to be increased by more than three-feet. The amount of signatures collected in the petition is approximately half the amount of voters who participated in the last municipal election.

Raul J. Aguila, City Attorney, recapitulated that on July 5, 2016, the original petition papers were presented by Save Miami Beach 2016 to the City Clerk. Those petitions contained an estimated 4,804 signatures. The City Clerk transmitted the petition on July 6, 2016 to the Miami-Dade County Supervisor of Elections, who is in charge of determining whether the petition has been duly signed by 10% of the qualified electorate as of the last general election, which took place on November 3, 2015. For the City Commission to consider the item and place it on the ballot 4,458 valid signatures are required. The Office of the City Clerk has been in frequent contact with the County Elections Office as they are going through the process of validating the signatures, and they may be finished with their review by next week. Before the question could be considered for the ballot, the City Attorney must provide his opinion on the question's Constitutionality.

Commissioner Rosen Gonzalez motioned to place the question on the ballot. The motion was not seconded.

Mayor Levine stated that the City Commission should wait until the petition Certification arrives from the County.

Commissioner Steinberg stated that she is interested in hearing what the Miami Beach residents have to say, but she believes this should be deferred until the July 20, 2016 Presentations & Awards City Commission Meeting.

City Attorney Aguila explained that at this point both the City and County are following the process in their respective Charters. The deadline to place items on the ballot for the November 8, 2016 election is August 9, 2016. He reminded all those present that he still needs to provide his opinion on whether the item is appropriate for the ballot, which he will have ready for next Wednesday's Presentations & Awards City Commission Meeting.

Discussion held.

Commissioner Arriola commended Mr. Ciraldo who collected the signatures for the petition, even though he does not agree with the effort.

8:11:26 p.m.

R9N Discussion Regarding Mobile Showers, And Other Recommendations, To Emerge From The City's Homeless Committee.

(Sponsored by Vice-Mayor Michael Grieco)

ACTION: Discussion held. Referred to the Neighborhood/Community Affairs Committee (NCAC).
Maria Ruiz to handle.

REFERRAL:

Neighborhood/Community Affairs Committee (NCAC)

Vice-Mayor Grieco introduced Valerie Navarrete, Chair of the Committee for the Homeless, who has been present in the audience since 8:30 a.m.

Valerie Navarrete showed a PowerPoint presentation and asked for support of a mobile shower and bathroom service for the homeless. Click [here](#) to view.

Mayor Levine would like to study this further.

Maria Ruiz, Housing Community Director, stated that the City of San Francisco has spent millions of dollars on this service, and the net number of homeless population has actually increased. We want to end homelessness, not make it more comfortable. We want to create a civil society, and she does not believe this is the adequate way to get there.

Commissioner Malakoff wants to add no panhandling zones on Ocean Drive.

Commissioner Arriola stated that he would like to discuss this further, before taking a vote on it.

Vice-Mayor Grieco suggested referring this to Neighborhood/Community Affairs Committee (NCAC), by acclamation.

Commissioner Alemán commended the Committee for the Homeless and Maria Ruiz for her efforts. They are looking to reduce homelessness.

Handouts and Reference Materials:

1. Informational pages, Pit Stop <http://sfdpw.org/pitstop> from Sam Dodge, Director of HOPE Program.

8:11:48 p.m.

R9O Discussion Regarding Setting A Special Commission Meeting On August 8, 2016.

(Sponsored by Vice-Mayor Michael Grieco)

ACTION: Item withdrawn.

5:37:57 p.m.

R9P Discussion Regarding What Can Be Done To Ensure Continued Access For Emergency Vehicles And Residential Access To/From The Venetian Causeway During Construction On The East Bridge.

(Sponsored by Commissioner Micky Steinberg)

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

Commissioner Steinberg stated that there is work to be done, originally it was slated for September, but in the event that it is not postponed, she wants to make sure that residents living on the Venetian Islands know the shortcut to get to their homes.

Paul Acosta, Police Captain, explained that Miami Beach will do the same when the West Side is inoperative. There is an agreement with Miami for Downtown units to dispatch.

Discussion held.

Commissioner Malakoff read an announcement from the County into the record.

Eric Carpenter, Assistant City Manager/Public Works Director, added that the notice to proceed date will be August 1, 2016, because there is an issue with the lead-time on some of the equipment. There is a 90-day lead-time, and the equipment should be in by October 15th, and then looking at a 45-day shutdown of the East Bridge locked open.

Commissioner Steinberg asked if they could get the West Bridge on lock down to make it a little less inconvenient.

Assistant City Manager/Public Works Director Carpenter stated that they currently do not have Coast Guard approval for a lockdown; however, they feel a great deal more comfortable with the West Bridge, because it is a newer bridge and it has a generator back up system.

Commissioner Steinberg believes they should urge the Coast Guard still.

Discussion continued.

Mr. Acosta explained the "Operation Rescue" program, which went well.

Commissioner Steinberg urged the City to give residents proper notifications. **Jose Gonzalez to handle.**

3:49:24 p.m.

R9Q Discussion Regarding Iconic Playgrounds.

(Sponsored by Commissioner Ricky Arriola)

ACTION: Discussion held. Heard in conjunction with item C4M. **John Rebar to handle.**

Commissioner Arriola stated that parks are one of the most important public places and when designing playgrounds, they can go run of the mill and select from a catalogue or make an effort to beautify them; just because they can be iconic does not necessarily mean they will be more expensive. He stated a great deal of children in the community do not have backyards, and playgrounds are the only way for these children to be outdoors. He asked for the City to make an effort to build world-class playgrounds, and commit to do so. The Parks Advisory Board had some recommendations.

Commissioner Malakoff stated that the parks need to be appropriate for the South Florida climate due to the salt and humidity.

Discussion held.

Commissioner Alemán mentioned that she had a referral to Finance Committee for figures and asked to co-sponsor the item.

Discussion held.

Carolina Jones, Chair of the Parks Advisory Board, presented a slide show. Click [here](#) to view.

Discussion held regarding naming "Banyan park." See referral at C4N.

Commissioner Alemán stated that the LGBT Advisory Committee did not believe "Tolerance" was the right name for the park, based on the definition. The LGBT Advisory Committee would like a name that stands for diversity.

Carolina Jones invited the City Commissioners to attend the Parks and Recreation Committee.

Marilyn Freudlich stated that the park equipment that was displayed in the presentation were amazing and would be very welcomed in the community. She asked that they keep parks with proper shade, proper lighting for safety, pleasing landscaping around the parks and equipment for handicapped children.

Ray Breslin spoke.

7:51:57 p.m.

R9R Discussion Regarding Legislative History Of Height Increases In Miami Beach.
(Sponsored by Commissioner John Elizabeth Alemán)

ACTION: Discussion held. **Thomas Mooney to handle.**

Commissioner Alemán had asked Thomas Mooney, Planning Director to create a history of height increases since 2013.

Thomas Mooney, Planning Department Director, showed a slide presentation and stated there have only been seven approved height increases since January 2014. Click [here](#) to view.

Vice-Mayor Grieco asked Thomas Mooney, out of the seven that were approved, which places built their facility to the approved height increase.

Commissioner Alemán stated no places have been built with the approved height increase.

8:14:00 p.m.

R9S Discussion Regarding Disability Access Committees' Motion (LTC No. 162-2016) To Support Installation Of An ADA Path On The 1100 Block Of Lincoln Road Connecting Lenox Avenue And Alton Road.

(Sponsored by Vice-Mayor Michael Grieco)

ACTION: Discussion held. Motioned made by Vice-Mayor Grieco; seconded by Commissioner Steinberg; Voice-vote: 7-0. **Eric Carpenter to handle.**

Vice-Mayor Grieco introduced the item and stated this issue goes back to 2012.

Discussion held.

Eric Carpenter, Assistant City Manager/Public Works Director, stated that they have a budget item for the installation of a friendlier surface. The City has \$87,500 available for the project. He stated they have received some resistance from property owners out there. He asked the City Commission if they would like to move forward.

Vice-Mayor Grieco wants to move forward.

7:59:48 p.m.

R9T Notification Of Receipt Of Save Miami Beach 2016's Petition For The City Commission To Submit To City Electors An Amendment To Section 1.03 Of The City Charter.
(Office of the City Clerk)

ACTION: See Item R9M. Discussion held. Item deferred to the July 20, 2016 Presentations & Awards City Commission Meeting. City Attorney to provide legal opinion. City Clerk to provide update on petition signature certification from the Miami-Dade County Supervisor of Elections. Lilia Cardillo to place on the Presentations & Awards City Commission Agenda, if received.
Office of the City Attorney to handle.

8:12:56 p.m.

R9U Discussion On Public Bike Repair Stations.
(Sponsored by Commissioner Ricky Arriola)

ACTION: Discussion held. **Jose Gonzalez and John Rebar to handle.**

DIRECTION:

Research appropriate locations for a pilot program.

Commissioner Arriola suggested installing inexpensive bike kiosk repair stations throughout the City to help promote bicycle transit.

Commissioner Malakoff stated she agrees with the idea of the bike kiosks, only if they are installed at gas stations, because she does not want any more street furniture on the narrow sidewalks.

Commissioner Arriola wants to find an appropriate place to pilot the program. He said they are about \$1,000 dollars apiece.

Jimmy L. Morales, City Manager, will provide a list with proper location.

5:45:52 p.m.

ADDENDUM MATERIAL 2

R9V Discussion Regarding Funding For Events In Fiscal Year 2016-2017.
(Tourism, Culture & Economic Development)

ACTION: Discussion held. Commissioner Malakoff moved to approve the events; except for the Air & Sea Show, which will be voted on at the **July 20, 2016** Presentation & Awards Commission Meeting; seconded by Commissioner Rosen Gonzalez; Voice vote: 7-0. Lilia Cardillo to place on the Presentation & Awards Commission Agenda. **Max Sklar to handle.**

DIRECTION:

Air & Sea Show operator, or representative, to bring a Letter of Guarantee in the amount of \$85,000 at the **July 20, 2016** Presentation & Awards Meeting.

Jimmy L. Morales, City Manager, stated that for FY 16/17, there are a series of special events that are either first time or only exclusive events, which have some level of City financial participation. Surplus funds have been identified for this Fiscal Year, and they can allocate on a one-time basis to cover the costs, but recommended a discussion for each event.

World Out Games

Max Sklar, Tourism, Culture & Economic Development, informed that the World Out Games made a request, supported via the LGBT Committee, to support with additional funding of \$300,000, and also requested waiving the special rental fees associated with the use of Lummus Park, Collins Theatre, the Convention Center, Miami Beach Golf Club, Normandy Golf Club and the Fillmore. Additionally, they are requesting in-kind support from City departments, including permitting, special rent, Building, Police, Fire, etc. He asked direction, but the Administration is not recommending the in-kind support, as they do not do that with any other event. The funding is in place for a one-time from resort tax surplus to support the cash contribution that they are requesting, as well as the waiver of fees for the use of those venues, which is at the discretion of the City Commission.

City Manager Morales recommended that the \$300,000 that the LGBT Committee had recommended be provided in portions as requested, with the first \$100,000 to be granted as soon as possible.

Mr. Sklar recommended the waiver of the rental fees. The in-kind support from different departments, they are recommending against as it would set a precedent.

Commissioner Steinberg suggested moving forward with the City Manager's recommendation and the benchmarks recommended by the LGBT Committee for the World Out Games.

Major League Baseball All Star Game

Mr. Sklar added that the Major League Baseball All Star Game in July 2017, will host a Fun Fest in the Convention Center and they expect an excess of 100,000 visitors over the days that is open to the public. They requested support for \$100,000.

Mayor Levine stated that the City is committed to the funds.

Air & Sea Show

Mr. Sklar announced that since the contract's approval, they have worked internally to come up with a budget to support the event, but they do not yet have a final budget. In the Agenda

Memorandum, they are estimating a \$1.5 million additionally across all City departments. Based on the way the agreement is written, the Air Show producer would be responsible for \$850,000.

Jimmy L. Morales, City Manager, explained that this is a conservative number; the event is a day event, and he asked departments to identify what additional resources they would incur; and have come up with a very conservative number.

Vice-Mayor Grieco stated that the Air & Show producer pays for the first \$200,000 and above then the City shares 50%. He has discussed this "conservative" number with the Miami Beach Police Department.

Mayor Levine stated that they are committing \$650,000 for this event and the producers will come up with \$850,000, and the producers have agreed to come up with this figure.

Mr. Sklar, in response to Mayor Levine, explained that the agreement stipulates the \$850,000, along with a bond, which has not been provided.

Mayor Levine asked if the producer has agreed to that amount

Mr. Sklar added that the producer knows that the estimate is \$850,000 and although they do not believe the numbers should be that high, it is a conservative estimate, they would like to work with a lower number and still provide the right level of support.

Commissioner Steinberg thinks the event is not going to be so conservative as far as the estimate. She is not in favor of the magnitude of such event in the City. This event is going to be Floatopia "in steroids."

Commissioner Malakoff agrees that such an event with the amount of people coming to the City for three days will cost more than \$850,000.

Mayor Levine is concerned about the operator coming in front of the City Commission, sooner rather than later, and bringing a guarantee of \$850,000.

Discussion held regarding the financial burden, in addition to the traffic congestion, and crowd control issues during this event,

Police Chief Oates stated that they would need a great deal of help with this particular event during the day time; they will need extra resources and will have to reach out to neighbors and colleagues.

Commissioner Rosen Gonzalez has never been in favor of the Air & Sea Show.

Mayor Levine stated that he voted in favor of the item, but he may change his mind, with the amount of money that it will take.

Commissioner Alemán loves the event and thinks it will be great; but agreed that the event partner needs to be prepared for staffing, as residents will be attending; it is a wonderful family event and everyone will enjoy; however, they need to pay the proper fees.

Discussion held.

Mayor Levine requested to hear from the operator, or one of his representatives, at the [July 20, 2016 Presentation & Awards Commission Meeting](#), and to hear from him that will come up with \$850,000 guarantee bond; if the operator will not do that, he will vote and will recommend cancelling the contract. **Max Sklar to handle.**

Vice-Mayor Grieco stated that the majority of this City Commission voted for this event; they signed a contract and they should stand by their commitment. He stated that it is not a good move to anticipatorily breach a contract; this is bad for the City. Unless a benchmark is not met in the contract, they are not going to withdraw from the contract and subject the City to a significant breach.

Commissioner Malakoff voted against it the event originally; she thought it was a mistake then and still thinks it is a mistake now, mainly because traffic congestion is a huge problem in the City, and to bring in at least 50,000 people to enjoy this Air & Sea Show, when roads and garages are overflowed as it is, is the reason she voted no. The request for the guarantee is to ensure the commitment is on.

Commissioner Steinberg stated this is not a conservative estimate, but they have to support these types of measures and make sure everyone is safe and taken care of.

Mayor Levine requested a Letter of Guarantee from the Air & Sea Show operator.

Discussion continued.

Commissioner Arriola stated that this event is an authorized event, and they are trying to do the responsible thing to make it successful, but without crippling the City.

Vice-Mayor Grieco added that last summer the item was supported, and in June 2015, he brought it as a discussion item; then in December they voted on it and since then it has been on the Agenda, but the City is not showing commitment, and sends the wrong message. This is about resort tax dollars. This has never been negatively voted on.

Mayor Levine voted for the item originally, but with the cost of security, they must make sure that the provider will commit to these costs, and if he does not abide by the contract, he cannot support this. The provider must come up with the proper funds and submit a Letter of Guarantee by [July 20, 2016](#). **Max Sklar to handle.**

Senior Tennis Tournament – North Beach

Max Sklar announced that this was endorsed and they are working in the final stages of the agreement with CAA for the budget; the total contribution from the City is \$100,000 and this has been budgeted.

Mayor Levine asked what direction is needed.

City Manager Morales explained that they need authorizing using resort tax rollover to budget from this FY16/17 to 2017 for \$1.1 million for these events.

Discussion held.

Commissioner Malakoff suggested voting on the events, with the exception of the Air & Sea Show event.

Discussion continued.

Commissioner Malakoff moved to approve the events; except for the Air & Sea Show, which will be voted on at the July 20, 2016 Presentation & Awards Commission Meeting; seconded by Commissioner Rosen Gonzalez.

9:38:51 a.m.

R9W Discuss Chapter 142 Of The City Code, Regulations At Alcoholic Beverage Establishments Located On Ocean Drive Between 5th And 15th Streets.
(Requested by Mayor Philip Levine)

ACTION: See note with Item R5S. Discussion held. Mayor Levine to bring item back for first reading at the September 14, 2016 City Commission Meeting. Lilia Cardillo to place on the Commission Agenda, if received. **Thomas Mooney to handle.**

Mayor Levine thanked everyone present at the City Commission meeting. He stated that this has been the most pro-staff and labor City Commission in the history of the City, and perhaps the State. He hopes other municipalities will follow Miami Beach's lead and provide a fair minimum living wage to their workers. He recalled how he began his business on Ocean Drive above the News Café in the late 1980s, and how he lived in a one-bedroom apartment in the South of Fifth neighborhood. The walk from his apartment to his office was very dangerous at the time, and he would frequently walk along the beach, because it was a safer route. This was also the beginning of the Miami Beach renaissance, and things began to change for the better. As a businessperson, he appreciates the concerns of the entertainment establishments on Ocean Drive, but he will not ignore the problems occurring in this area. He brought this item for discussion today, and will bring it for first reading in September, because many Miami Beach residents are currently out of town for the summer, and should be present when this legislation is discussed formally. There may be many options on how to improve Ocean Drive, but he believes stopping the sale of liquor at 2:00 a.m. is a start. He drew the examples of how Times Square in New York City and Coconut Grove in Miami improved once similar ordinances were enacted. The Miami Beach brand is bigger than Ocean Drive, and in fact, Ocean Drive has been damaging the image of Miami Beach, because residents do not go there, and he believes very few hotel guests visit the area. He asked for the economic impact statistics as to how much money the City generates from revenue from resort and beverage taxes from 2:00 a.m. to 5:00 a.m.

Police Chief Oates stated that the new Entertainment District is the Fourth Police Command in the City, and it goes from 5th to 15th Streets, and from the shoreline to Washington Avenue. This area currently receives 25% of all calls for service in Area One, which is all of Miami Beach bellow 23rd and Dade Boulevard. That area alone accounts for 31% of all major crime, 35% of all robberies, and 35% of all aggravated assaults. The Department is doing very well in the Entertainment District in regards to crime. There has been a 21% decrease in robberies in the last 12 months, 17% decrease in larceny and 35% decrease in burglaries in the last two years. During this year, Area One has had a 10% reduction in all crime, and 40% reduction in robberies. Since he started with the City in June of 2014, they have added a new command stand, and followed Major Causey's suggestion of increasing presence and response in the Ocean Drive and Lummus Park area, which included the creation of an Ocean Drive Squad that has one Sergeant and seven Officers, and included ATVs that cover the beach. He elaborated on the Police Department's efforts in the Entertainment District, and named a few suggestions to improve Ocean Drive, including having a second Ocean Drive Squad, adding three more Police Officers to patrol Washington Avenue, and have more Homeless Resource Officers.

City Manager Morales stated that the enhancements Police Chief Oates stated were approved at the last City Commission meeting.

Max Sklar, Tourism, Culture and Economic Development Director, presented a PowerPoint presentation. Gross sales for Ocean Drive, from 5th to 15th Streets, for a 12-month period total \$233,313,280. Resort tax collections totaled \$5,676,844.

Click [here](#) to access PPT.

Mayor Levine stated that the estimated net resort and beverage tax loss would be just under \$400,000 a year. He asked Police Chief Oates whether in his estimation the Police Department's spending on resources between 2:00 a.m. and 5:00 a.m. in the Entertainment District would be greater than \$400,000 a year, and Police Chief Oates agreed. He reiterated that the proposed Ordinance is a starting point, but the City Commission and Ocean Drive Establishment Owners should be open to compromise and ideas to get them where they want to be.

Commissioner Rosen Gonzalez explained two experiences she had on Ocean Drive. The first was a walk she took with Police Chief Oates, and there was a visible and substantial Police presence in the area and she felt secure. The second time she went to Ocean Drive, she went alone, and it was completely different. She found marijuana and alcohol containers throughout the area, there was little to no Police presence, and she even felt frightened for her safety at one point. She does agree with the current efforts of putting Park Rangers in Lummus Park, and increasing the Police presence in the area, but stopping alcohol sales in local establishments at 2:00 a.m. is not the answer. Miami Beach is renowned throughout the world for its nightlife; we should not damage that reputation. She did suggest restricting liquor stores for the biggest change in Ocean Drive. She addressed the Mayor and stated she is unclear what his vision is for the City.

Mayor Levine stated that many people in the audience are staffers of entertainment places on Ocean Drive, and as such will be against the effort to stop alcohol sales at 2:00 a.m. He suggested the City Commission should reach out to residents to get their feedback.

Vice-Mayor Grieco stated that not just the business and property owners will be affected by this Ordinance, but also the employees, many of which are present in the audience and residents of Miami Beach. Crime occurs throughout the Entertainment District, and the people being arrested are neither Miami Beach residents nor patrons of the Ocean Drive establishments, they are people who come from the mainland to victimize the City's residents and guests. He encouraged the City Commission to apply the recommendations made by the Ocean Drive Task Force, and to support the addition of 12 Police Officers funded by resort tax dollars. He does not believe stopping the sale of alcohol at 2:00 a.m. is the answer to Ocean Drive's problems.

Commissioner Malakoff stated that change is needed on Ocean Drive. She explained that perhaps requiring Conditional Use Permits (CUP) on Ocean Drive might cause the necessary changes to control the noise coming from these establishments. We do not want to affect negatively the tourism industry, but more pressure needs to be put on restricting outdoor drinking, and liquor store sales. The problem is that many people do not go into the Ocean Drive establishments, but bring their own liquor and drink excessively in Lummus Park. She also agrees that the City Commission should consider the recommendations of the Ocean Drive Task Force.

Commissioner Alemán stated that this discussion is about the entire Entertainment District. She does not believe that anyone on the City Commission is satisfied about the current state of Ocean

Drive. The Ocean Drive Task Force provided 29 recommendations, yet none has been implemented. She is pleased that the City Commission approved the additional Police Officers on Ocean Drive, and later today they will discuss having Park Rangers in Lummus Park. There have been other steps taken moving in the right direction, such as the License Plate Readers, and video cameras to help catch people who may have criminal records. She asked the City Commission what can be done to stop the "gauntlet" situation on Ocean Drive, created by the massive umbrellas used by the various establishments.

City Manager Morales stated that if the City Commission wants to take action regarding the umbrellas on Ocean Drive, the applications are renewed as of October 1.

Commissioner Arriola stated that the overwhelming consensus from Miami Beach residents is to stop selling alcohol at 2:00 a.m., and the City Commission must represent the will of the residents. There is a strong sentiment that something has gone wrong with Ocean Drive, and something has to be done, much as how New York City had trouble with Times Square in the 1980s, and changed that area completely around. He offered a suggestion to do a straw poll of Miami Beach voters and see what their opinion is on this matter.

Commissioner Steinberg stated that the City needs to get to the root of the problem, and see what is going on with Ocean Drive. She recognized Mitch Novick who has consistently stated the main issue on Ocean Drive is the noise, and perhaps the City should make this a priority to go after vehicular noise infractions.

Discussion held regarding noise ordinances.

Commissioner Rosen Gonzalez suggested having a CUP on all Ocean Drive establishments that serve alcohol requiring them to hire off-duty Police Officers, and if Miami Beach officers cannot offer their services, these establishments can recruit officers across the County.

Police Officer Rigoberto Olivera, speaking for FOP President Bobby Jenkins, stated that regarding Commissioner Rosen Gonzalez's experience going to Ocean Drive and seeing people smoking marijuana and drinking in the streets, he suggested her to call the Police Department because they will respond. He also expressed his opposition to bringing officers from other jurisdictions into the City.

Police Chief Oates addressed the off-duty issue per Mayor Levine's request. He stated that it is a challenge to date to get off-duty Police Officers. He opposes bringing off-duty officers from other jurisdictions, because there will be problems in regards to performance and accountability. He will continue to work on getting a good off-duty officer program.

Discussion held.

Commissioner Malakoff asked for environmental improvements to the area, and suggested additional lighting for Ocean Drive and Lummus Park.

Commissioner Alemán is in agreement with Commissioner Malakoff regarding lighting. She added that crimes are committed throughout the City, so they need to look at all districts as a whole. Regarding vehicular noise enforcement, she has stated in other City Commission meetings that she would prefer the Police Department focus on preventing and stopping crimes, than going after people who are blaring music in their cars. The City Commission should look at the 29 recommendations made by the Ocean Drive Task Force, and implement the ones they consider the most impactful.

Commissioner Arriola stated that Ocean Drive has been steadily declining; they must take some action.

Commissioner Steinberg stated that they should task the Blue Ribbon Panel to come back to the City Commission with further vetting and ideas on how to solve crime in the area.

Mayor Levine thanked everyone for their feedback, and believes they had a very positive dialogue on this matter. The message is clear that there is a big problem on Ocean Drive. It takes great political will to push for change, and he believes his colleagues are speaking from the heart and want solutions to the problem. He is looking forward to hearing from the Miami Beach residents in September. He addressed the Ocean Drive establishments and believes they are overestimating themselves. Miami Beach is more than Ocean Drive, and in fact, at this moment, Ocean Drive is negatively affecting the Miami Beach brand. He believes this City Commission needs to ask itself whether it wants to continue having drugs, prostitution, crime and drunkenness to persist in the Entertainment District, or do they want to change course, and be more inviting to families and better businesses such as tech companies. There may be many solutions to improve Ocean Drive, and he is open to ideas and willing to compromise when necessary. Regarding the umbrella gauntlet problem, he recommended cutting back on the amount of seating allowed on Ocean Drive. **City Manager's Office to handle.** Additionally, he supports Commissioner Arriola's idea of having a straw ballot asking the residents of Miami Beach whether they would like the sale of alcohol to stop at 2:00 a.m. and will propose this on the July 20, 2016 Presentations & Awards City Commission Meeting. **Office of the City Attorney to handle.**

Commissioner Alemán stated that the City Commission needs to look into the Ocean Drive Task Force recommendations, and inform the public of the improvements the City is taking on Ocean Drive such as the addition of Park Rangers in Lummus Park, and the increase of Police presence on Ocean Drive.

Discussion held.

Commissioner Arriola motioned to reduce the number and size of umbrellas on Ocean Drive. Motion was not seconded.

Thomas Mooney, Planning Department Director, explained that the Ocean Drive Task Force recommendation is to remove the gauntlet. This can be brought in September, before the October renewal.

Discussion continued.

City Manager Morales stated that they can revisit the Master Plan, and if the direction is to remove the gauntlet, they can bring this issue back to the City Commission.

Discussion continued.

Vice-Mayor Grieco stated that the Ocean Drive Task Force recommendation was to expand the sidewalk, without reducing the sidewalk café square footage, and eliminate the umbrella gauntlet at the lowest cost possible.

Mayor Levine stated that they want to reduce the gauntlet as soon as possible.

City Manager Morales explained that they can come back in September and not issue any more permits until this is resolved, per Mayor Levine's request.

Commissioner Malakoff wants to ensure that the umbrella sizes are large enough to protect the patrons from the rain and sun.

Commissioner Rosen Gonzalez stated that she is in support of reducing the amount of seats, but wants to keep the umbrellas.

Commissioner Arriola stated they must make a decision about the gauntlets, which invite crime and bad behavior.

Discussion continued.

Commissioner Alemán stated that the Task Force had recommendations and Mr. Mooney has the guidelines.

Mayor Levine thanked everyone, and assured everyone present that aggressive action will take place to resolve the Ocean Drive problem.

Handouts and Reference Materials:

1. Email from West Avenue Neighborhood Association (WAvNA), dated July 12, 2016 wavna305@gmail.com@mail219.atl1y1.mcdlv.net, RE: New Laws To Protect Our Neighborhood.
2. Email from AsianF@aol.com dated July 12, 2016 RE: URGENT MESSAGE from Laurence Feingold, P.A., Retired Miami Beach City Attorney.

R10 - City Attorney Reports

R10A City Attorney's Status Report.

(Office of the City Attorney)

ACTION: Report given.

12:33:36 p.m.

R10B Notice Of Closed Executive Session

Pursuant To Section 447.605, Florida Statutes, A Closed Executive Session Will Be Held During Recess Of The City Commission Meeting On Wednesday, July 13, 2016, In The City Manager's Large Conference Room, Fourth Floor, City Hall, For A Discussion Relative To Collective Bargaining.

ACTION: Announced and held.

12:33:36 p.m.

1:35:35 p.m.

R10C Closed Attorney-Client Session.

Pursuant to §286.011, Florida Statutes, the City Attorney hereby advises the Mayor and City Commission that he desires advice concerning the following pending litigation matter:

City of Miami Beach v. Hargreaves & Associates, et al. Case No. 10-61979 CA 03 Circuit Court, 11th Judicial Circuit

Therefore, a private closed Attorney-Client Session will be held during the lunch recess of the City Commission meeting on July 13, 2016, in the City Manager's Large Conference Room, Fourth Floor, City Hall to discuss settlement negotiations and/or strategy related to litigation expenditures with regard to the above-referenced litigation matter.

The following individuals will be in attendance: Mayor Philip Levine; Members of the City Commission; Micky Steinberg, Joy Malakoff, Michael Grieco, Ricky Arriola, Kristen Rosen Gonzalez, and John Elizabeth Alemán; City Manager Jimmy L. Morales, City Attorney Raul J. Aguila, First Assistant City Attorney Steven Rothstein, Meredyth Cooper, Esquire and Carlos de Zayas, Esquire.

ACTION: Closed Attorney-Client Session announced and held. **Resolution 2016-29524 adopted** Motion made by Commissioner Alemán to approve the recommendation of the Mayor and City Commissioners from the Closed Attorney Client Session held on July 13, 2016 regarding settlement of the case City of Miami Beach v. Hargreaves & Associates, et al.; Seconded by Commissioner Arriola. Voice-vote: 7-0.

City Attorney Raul J. Aguila read into the record that the City Commission meeting having been reopened, the Attorney Client Session held on July 13, 2016 at the start of the lunch recess has been terminated. City Attorney Aguila asked for a motion to approve the recommendation of the Mayor and City Commissioners from the Closed Attorney Client Session held on July 13, 2016 regarding settlement of the case City of Miami Beach v. Hargreaves & Associates, et al. Case No. 10-61979 CA 03 Circuit Court, 11th Judicial Circuit.

Title of Resolution 2016-29524 (After the fact Resolution, prepared by the Office of the City Attorney):

A Resolution Approving And Adopting The Mediation Settlement Between The City Of Miami Beach And Hargreaves Associates, Incorporated, And Authorizing The City Manager And City Attorney To Take The Necessary And Appropriate Steps For Implementation Thereof; And Further Authorizing The Mayor And City Clerk To Execute Any Documents And/Or Agreements As Required To Effectuate The Terms Of The Settlement.

12:32:22 p.m.

8:27:30 p.m.

R10D Notice Of Closed Executive Session

Pursuant To Section 255.065, Florida Statutes, A Closed Executive Session Will Be Held During Recess Of The City Commission Meeting On Wednesday, July 13, 2016, In The City Manager's Large Conference Room, Fourth Floor, City Hall, For A Discussion Regarding An Unsolicited Proposal From Collins Park Partners, LLC, For The Collins Park Arts Garage Project, And Requesting City Commission Authorization To Either Accept The Unsolicited Proposal And Proceed With The Solicitation Of Alternative Proposals In Accordance With Florida Statute 255.065; Or Reject The Unsolicited Proposal And Proceed With A Competitive Solicitation For The Collins Park Mixed-Use Garage Facility Project In Accordance With Any Direction That May Be Provided By The Mayor And City Commission.

ACTION: Executive Session announced and held. Motion made by Commissioner Rosen Gonzalez to reject the bid; seconded by Commissioner Steinberg. Voice-vote: 5-2. Opposed: Vice-Mayor Grieco and Commissioner Malakoff.

Jimmy L. Morales, City Manager, suggested having a public hearing, and stated the debate and presentation from staff could be deferred.

Mayor Levine stated that this item is about having either an exclusive P3 or a bidding process.

City Manager Morales stated that the City has selected a competitive process of a design/builder that could go out for contract.

Discussion held.

Mayor Levine stated that he is not in favor of an exclusive deal.

Alexander Heckler stated that there was an unsolicited proposal submitted, and they would like to start the process. If the City Commission wants to start a new procurement process, he suggested, if the City wants all of the uses, such as dormitories for ballet and arts atmosphere, retail uses and others, the City could do a P3 RFP and not use the \$27 million allocated for the garage, and use it for another garage.

Mayor Levine stated that the City Commission should reject this bid.

Discussion held.

Motion made by Commissioner Rosen Gonzalez to reject the bid; seconded by Commissioner Steinberg. Voice-vote: 5-2. Opposed: Vice-Mayor Grieco and Commissioner Malakoff.

City Clerk's Note: Due to time constraints, the item was heard at 12:32:22 p.m., as part of the Commission Meeting, and not as a Closed Executive Session.

Reports and Informational Items

1. Reports and Informational Items (see LTC 295-2016)
2. List of Projects Covered by the Cone of Silence Ordinance – LTC No. 287-2016.
(Procurement)
3. Report From Commission Committees Of Withdrawn Items Not Heard Within (6) Six Months From Their Referral Date.
(Office of the City Clerk)
4. Miami Beach Convention Center Project Update (LTC No. 277-2016).
(Office of the City Manager)

End of Regular Agenda

Meeting adjourned at 8:33:16 p.m.