



MIAMI BEACH

City Commission Meeting

**City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive
November 12, 2013**

Mayor Matti Herrera Bower
Vice-Mayor Deede Weithorn
Commissioner Jorge R. Exposito
Commissioner Michael Góngora
Commissioner Jerry Libbin
Commissioner Edward L. Tobin
Commissioner Jonah Wolfson

City Manager Jimmy L. Morales
City Attorney Jose Smith
City Clerk Rafael E. Granada

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ATTENTION ALL LOBBYISTS

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

Call to Order - 12:00 p.m.

REGULAR AGENDA

Legislation concerning results from the City of Miami Beach's November 5, 2013 General and Special Elections.

The actual Election Resolutions to be considered for passage by the City of Miami Beach Commission on November 12, 2013 will be publicly available by 12:00 a.m. on that date.

R7 - Resolutions

- R7A A Resolution Adopting The Certificate Of The Results Of The November 5, 2013 Special Election For The City Of Miami Beach, And Declaring Results Thereof.
- R7B City Of Miami Beach General Election Results And Calling For A Run-Off Election
1. A Resolution Adopting The Certificate Of The Results Of The November 5, 2013 General Election For The City Of Miami Beach.
 2. A Resolution Calling For A Run-Off Election To Be Held On November 19, 2013 In The City Of Miami Beach For The Purpose Of Electing City Commissioners In Groups I, II, And III; Providing For Conduct Of The Run-Off Election By The Miami-Dade County Elections Department; Providing That Voting Precincts Shall Be Those As Established By Miami-Dade County; Providing For Notice Of Elections; Providing For The Form Of Ballot; Providing For Absentee Balloting And Registration Of Voters In Accordance With State Law; Providing For Payment For Conducting Election To Miami-Dade County.
 3. Canvassing Board For City Of Miami Beach's November 19, 2013 Run-Off Election (No Commission Action Required).
(City Attorney's Office)

End of Regular Agenda



MIAMI BEACH

OFFICE OF THE CITY ATTORNEY

JOSE SMITH, CITY ATTORNEY

COMMISSION MEMORANDUM

**TO: MAYOR MATTI HERRERA BOWER
MEMBERS OF THE CITY COMMISSION
CITY MANAGER JIMMY MORALES**

**FROM: JOSE SMITH
CITY ATTORNEY** 

DATE: NOVEMBER 12, 2013

**SUBJECT: CITY RESOLUTION ACCEPTING RESULTS OF THE NOVEMBER 5, 2013
SPECIAL ELECTION AND DECLARING SPECIAL ELECTION RESULTS**

Attached hereto is a Resolution¹ adopting the Certificate of the Results of the November 5, 2013 Special Election for the City of Miami Beach, and declaring the election results for the six ballot questions which were the subject of the Special Election. The passage of this Resolution effectively concludes acceptance of the election returns for the City of Miami Beach's November 5, 2013 Special Election.

JS/DT/sc

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¹ Upon receipt and finalization of the Certification of Election Results, same shall be attached to the Resolution.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ADOPTING THE CERTIFICATE OF THE RESULTS OF THE NOVEMBER 5, 2013 SPECIAL ELECTION FOR THE CITY OF MIAMI BEACH, AND DECLARING RESULTS THEREOF.

WHEREAS, the Certification of the results of the November 5, 2013 City of Miami Beach Special Election have been received and are attached hereto as Composite Exhibit "A" and are incorporated herein; and

WHEREAS, said Certification reflects that:

Question "A" as set forth below was _____ by the electorate of the City of Miami Beach¹;
Question "B" as set forth below was _____ by the electorate of the City of Miami Beach;
Question "C" as set forth below was _____ by the electorate of the City of Miami Beach;
Question "D" as set forth below was _____ by the electorate of the City of Miami Beach;
Question "E" as set forth below was _____ by the electorate of the City of Miami Beach; and
Question "F" as set forth below was _____ by the electorate of the City of Miami Beach.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Miami-Dade County Canvassing Board having canvassed the returns of the November 5, 2013 Special Election of the City of Miami Beach, the Mayor and City Commission hereby adopt the certificate as to the results of said Special Election and it is hereby ordered that the Certificate of Election and this Resolution be recorded in the minutes of the November 12, 2013 City Commission meeting as a permanent record of the results of said Special Election; and be it further resolved that, as a result of the City of Miami Beach November 5, 2013 Special Election, the votes upon the questions presented reflect the following results.

¹ The six ballot questions have been lettered "A"; "B"; "C"; "D" "E"; and "F" for ease of reference herein only and were not so lettered on the ballot.

Question "A":

PROHIBITION OF DISCRIMINATION BY CITY OF MIAMI BEACH IN EMPLOYMENT PRACTICES AND BENEFITS OFFERED

SHALL PARAGRAPH A(17) OF THE MIAMI BEACH CITY CHARTER CITIZENS' BILL OF RIGHTS BE CREATED BANNING DISCRIMINATION IN EMPLOYMENT PRACTICES AND BENEFITS OFFERED BY THE CITY OF MIAMI BEACH BASED UPON AN EMPLOYEE OR APPLICANT'S RACE, COLOR, NATIONAL ORIGIN, RELIGION, GENDER, SEXUAL ORIENTATION, GENDER IDENTITY, DISABILITY, MARITAL STATUS, FAMILIAL STATUS, OR AGE?

_____ YES

_____ NO

Question "B":

IMPROVEMENT OF PUBLIC EDUCATIONAL FACILITIES AVAILABLE TO MIAMI BEACH CITIZENRY

SHALL PARAGRAPH A(19) OF THE MIAMI BEACH CITY CHARTER CITIZENS' BILL OF RIGHTS BE CREATED TO SET FORTH THEREIN THE CITY OF MIAMI BEACH'S POLICY TO COOPERATE WITH THE MIAMI-DADE COUNTY PUBLIC SCHOOLS, AND WITH OTHER APPROPRIATE GOVERNMENTAL AGENCIES, WHICH WILL STRIVE TO IMPROVE THE QUALITY AND QUANTITY OF PUBLIC EDUCATIONAL FACILITIES AVAILABLE TO THE CITIZENRY OF THE CITY OF MIAMI BEACH, FLORIDA?

_____ YES

_____ NO

Question "C":

CITY ASSISTANCE TO CONDOMINIUM AND CO-OP OWNERS

SHALL PARAGRAPH A(20) OF THE MIAMI BEACH CITY CHARTER CITIZENS' BILL OF RIGHTS BE CREATED TO ACKNOWLEDGE THE PURPOSE AND DUTIES OF THE CITY'S ADMINISTRATION AS ASSISTING CONDOMINIUM AND CO-OP OWNERS TO NAVIGATE THROUGH THE CITY'S PERMITTING PROCESS; FACILITATE RESOLUTION OF OTHER CONDOMINIUM-RELATED ISSUES WITH OTHER OUTSIDE AGENCIES; AND ACT AS A LIAISON BETWEEN CONDOMINIUM OR CO-OP OWNERS, MANAGEMENT FIRMS AND THE CITY?

_____ YES

_____ NO

Question "D":

CITYWIDE REFERENDUM REQUIRED TO REPEAL OR REDUCE PROTECTIONS IN CITY CODE CHAPTER 62 ("HUMAN RELATIONS")

SHALL SECTION 1.07 OF THE MIAMI BEACH CHARTER BE CREATED TO REQUIRE A MAJORITY VOTE IN A CITYWIDE ELECTION TO REPEAL, DIMINISH, OR OTHERWISE NEGATIVELY IMPACT A RIGHT OR DUTY ESTABLISHED IN CITY CODE CHAPTER 62 ("HUMAN RELATIONS") THAT INURES TO THE BENEFIT OF A MEMBER OF THE CLASSIFICATION CATEGORIES OF RACE, COLOR, NATIONAL ORIGIN, RELIGION, SEX, GENDER IDENTITY, SEXUAL ORIENTATION, DISABILITY, MARITAL STATUS, FAMILIAL STATUS, AND AGE AS DEFINED IN CITY CODE SECTION 62-31?

_____ YES

_____ NO

Question "E":

AMENDING CHARTER SECTION 1.03(B) RE: VOTER APPROVAL OF CERTAIN CITY-OWNED PROPERTY

SHALL CHARTER SECTION 1.03(B) REQUIRING MAJORITY VOTER APPROVAL BEFORE CITY'S SALE, LEASE EXCEEDING TEN YEARS, EXCHANGE OR CONVEYANCE OF CONVENTION CENTER PARKING LOTS BE CHANGED TO:

- REQUIRE 60% VOTER APPROVAL INSTEAD; AND
- INCLUDE "CONVENTION CENTER CAMPUS" (ALL CITY-OWNED PROPERTY WITHIN CIVIC AND CONVENTION CENTER DISTRICT EXCEPT CONVENTION CENTER AND CARL FISHER CLUBHOUSE) WITHIN CATEGORY OF CITY-OWNED PROPERTIES SUBJECT TO 60% VOTER APPROVAL REQUIREMENT?

_____ YES

_____ NO

Question "F":

ADVISORY, NON-BINDING STRAW BALLOT QUESTION – MEDICINAL MARIJUANA RESOLUTION

SHOULD THE CITY COMMISSION ADOPT A RESOLUTION URGING THE FEDERAL GOVERNMENT AND THE FLORIDA LEGISLATURE TO DECRIMINALIZE AND AUTHORIZE THE MEDICINAL USE OF MARIJUANA?

_____ YES

_____ NO

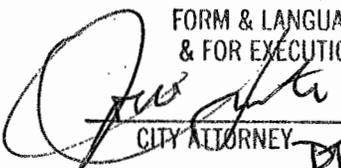
BE IT FURTHER RESOLVED AND DETERMINED that Question "A" was _____,
Question "B" was _____, Question "C" was _____, Question "D" was
_____, Question "E" was _____, and Question "F" was _____.

PASSED and ADOPTED this 12th day of November, 2013.

ATTEST:

MATTI HERRERA BOWER, MAYOR

RAFAEL E. GRANADO, CITY CLERK

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION


CITY ATTORNEY *DA* 11/7/13
DATE

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MIAMI BEACH

OFFICE OF THE CITY ATTORNEY

JOSE SMITH, CITY ATTORNEY

COMMISSION MEMORANDUM

**TO: MAYOR MATTI HERRERA BOWER
MEMBERS OF THE CITY COMMISSION
CITY MANAGER JIMMY MORALES**

**FROM: JOSE SMITH
CITY ATTORNEY** 

DATE: NOVEMBER 12, 2013

**SUBJECT: RESOLUTIONS REGARDING CITY OF MIAMI BEACH GENERAL ELECTION
RESULTS AND CALLING RUN-OFF ELECTION**

The attached Resolutions formally adopt the certificate of results of the City of Miami Beach November 5, 2013 General Election, and call for the City of Miami Beach November 19, 2013 Run-Off Election, made necessary as a result of no candidate for Commission Groups I, II, and III from the General Election having received a majority of votes cast. Accordingly, and pursuant to Miami Beach City Charter Section 2.01, a Run-Off Election shall be called for November 19, 2013 between the two candidates for Commission Groups I, II, and III receiving the highest number of votes in the General Election.

In addition, prior to the canvassing of provisional ballots, the unofficial returns for the General Election reflect that a candidate for the office of the Mayor may be defeated or eliminated by one-half of a percent or less of the votes cast for such office. Provisional ballots will be counted on Friday, November 8, 2013 at 10:00 a.m. If, after counting the provisional ballots, the differential is still one-half of a percent or less of all votes cast for such office, then a mandatory machine recount shall be conducted by the Miami-Dade County Elections Department at 1:00 p.m. If a run-off election for Mayor is needed, the Resolution calling for the November 19, 2013 Run-Off Election shall be amended accordingly to also call for a run-off election for Mayor.

The Run-Off Election results for Commission Groups I, II, and III, and if needed for the Mayor, will be adopted by the Miami Beach City Commission on November 25, 2013, followed by the swearing in of all newly-elected officials.

JS/DT/sc

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ADOPTING THE CERTIFICATE OF THE RESULTS OF THE NOVEMBER 5, 2013 GENERAL ELECTION FOR THE CITY OF MIAMI BEACH.

WHEREAS, pursuant to City of Miami Beach Resolution No. 2013-28347, the Miami-Dade County Canvassing Board was appointed and authorized to act as the Canvassing Board for the City of Miami Beach's November 5, 2013 General and Special Elections; and

WHEREAS, the results of the November 5, 2013 General Election have been certified by the Miami-Dade County Canvassing Board; and

WHEREAS, the candidates for Mayor and City Commissioner Groups I, II, and III of the City of Miami Beach have received the number of votes cast as reflected more specifically within the Certification of Elections attached hereto as Composite Exhibit "A" and incorporated herein.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Miami-Dade County Canvassing Board having canvassed the returns of the November 5, 2013 General Election of the City of Miami Beach, the Mayor and City Commission hereby adopt the certificate as to the results of said General Election and it is hereby ordered that the Certificate of Election and this Resolution be recorded in the minutes of the November 12, 2013 City Commission meeting as a permanent record of the results of the November 5, 2013 General Election.

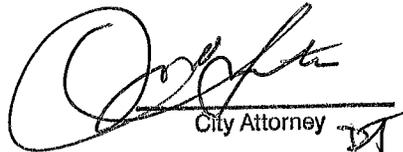
PASSED and ADOPTED this 12th day of November, 2013.

ATTEST:

MATTI HERRERA BOWER, MAYOR

RAFAEL E. GRANADO, CITY CLERK

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

11/7/13
Date

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, CALLING FOR A RUN-OFF ELECTION TO BE HELD ON NOVEMBER 19, 2013 IN THE CITY OF MIAMI BEACH FOR THE PURPOSE OF ELECTING CITY COMMISSIONERS IN GROUPS I, II, AND III; PROVIDING FOR CONDUCT OF THE RUN-OFF ELECTION BY THE MIAMI-DADE COUNTY ELECTIONS DEPARTMENT; PROVIDING THAT VOTING PRECINCTS SHALL BE THOSE AS ESTABLISHED BY MIAMI-DADE COUNTY; PROVIDING FOR NOTICE OF ELECTIONS; PROVIDING FOR THE FORM OF BALLOT; PROVIDING FOR ABSENTEE BALLOTING AND REGISTRATION OF VOTERS IN ACCORDANCE WITH STATE LAW; PROVIDING FOR PAYMENT FOR CONDUCTING ELECTION TO MIAMI-DADE COUNTY.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1

In accordance with provisions of the Charter of the City of Miami Beach, Florida, a Run-Off Election is hereby called and directed to be held in the City of Miami Beach, Florida, from 7:00 a.m. to 7:00 p.m. on November 19, 2013 for the purpose of electing City Commissioners in Groups I, II and III, who shall hold office for their respective terms as provided by law.

SECTION 2

That the appropriate and proper Miami-Dade County Election Officials shall conduct the Run-Off Election hereby called, except for acceptance of the certification of the results of said Run-Off Election, which duty shall be performed by the City Commission. The official returns for each precinct shall be furnished to the City Clerk of the City of Miami Beach as soon as the ballots from all precincts have been tabulated.

SECTION 3

That the said voting precincts in the City of said Run-Off Election shall be established by the proper and appropriate Miami-Dade County Election Officials. All electors shall vote at the polling places and the voting precincts as determined by the Miami-Dade County Election Officials. Registration of persons desiring to vote in said Run-Off Election shall be in accordance with the general law of the State governing voter registration.

SECTION 4

Notice of said Run-Off Election shall be given by publication in the Miami Herald, a newspaper of general circulation in Miami Beach, Miami-Dade County, Florida.

SECTION 5

The notice of election shall be substantially in the following form:

THE CITY OF MIAMI BEACH, FLORIDA

NOTICE OF RUN-OFF ELECTION

NOTICE IS HEREBY GIVEN that a Run-Off Election has been called by the City Commission of the City of Miami Beach, Florida, and will be held in said City from 7:00 a.m. until 7:00 p.m. on the 19th day of November, 2013, for the purpose of electing City Commissioners in Groups I, II, and III who shall hold office for the term as provided by law.

Said Notice shall further set forth the several polling places in the election precincts as referenced in Section 3 above, and shall further set forth pertinent information regarding eligibility of electors to participate in said election.

SECTION 6

That the official ballot to be used in the Run-Off Election to be held on November 19, 2013, hereby called, shall be in substantially the following form, to wit:

"OFFICIAL BALLOT"
RUN-OFF ELECTION
FOR
ELECTING COMMISSIONERS IN GROUPS I, II, and III
OF THE
CITY OF MIAMI BEACH, FLORIDA
ON NOVEMBER 19, 2013

FOR CITY COMMISSIONER GROUP I

Micky Steinberg

Elsa Urquiza

FOR CITY COMMISSIONER GROUP II

Jorge Exposito

Michael Grieco

FOR CITY COMMISSIONER GROUP III

Matti Herrera Bower

Joy Malakoff

The City Clerk shall prepare the ballot so that the names of Run-off candidates will appear on said ballot in alphabetical order according to surname; provided, however, that said ballot and its preparation shall be such as to permit compliance with the Laws of the State of Florida with respect to the use of an electronic voting system.

SECTION 7

That the absentee voters participating in said Run-Off Election shall be entitled to cast their ballots in accordance with the provisions of the Laws of the State of Florida with respect the absentee voting.

SECTION 8

That the City of Miami Beach shall pay all expenses for conducting this Run-Off Election and will pay to Miami-Dade County or directly to all persons or firms, upon receipt of invoice or statement approved by the Supervisor of Elections of Miami-Dade County, Florida.

SECTION 9

This Resolution shall be effective immediately upon passage.

PASSED and **ADOPTED** this 12th day of November, 2013.

ATTEST:

MAYOR MATTI HERRERA BOWER

RAFAEL E. GRANADO, CITY CLERK

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

11/7/13

Date



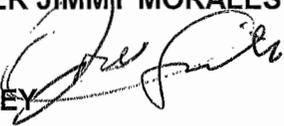
MIAMI BEACH

OFFICE OF THE CITY ATTORNEY

JOSE SMITH, CITY ATTORNEY

COMMISSION MEMORANDUM

**TO: MAYOR MATTI HERRERA BOWER
MEMBERS OF THE CITY COMMISSION
CITY MANAGER JIMMY MORALES**

FROM: JOSE SMITH 
CITY ATTORNEY

DATE: NOVEMBER 12, 2013

**SUBJECT: CANVASSING BOARD FOR CITY OF MIAMI BEACH'S NOVEMBER 19, 2013
RUN-OFF ELECTION (NO COMMISSION ACTION REQUIRED).**

Pursuant to Administrative Orders 13-38 and 13-38A1, Chief Judge Bertila Soto of the Eleventh Judicial Circuit Court for Miami-Dade County, Florida, designated County Court Judge Rodolfo Ruiz and City Elector Jimmy McMillion to serve along with City Clerk Rafael E. Granado as the Miami Beach Canvassing Board for the City's November 19, 2013 Run-Off Election. The Canvassing Board will canvass absentee ballots, and provisional ballots as needed, as well as oversee the conduct of the Run-Off Election.

The adoption of the certification of the Run-Off Election results, as well as the swearing in of all newly-elected City officials, will take place at the November 25, 2013 City Commission meeting.

JS/DT/sc

MIAMI BEACH

CITY OF MIAMI BEACH NOTICE OF CITY COMMISSION MEETING

NOTICE IS HEREBY given that the City Commission of the City of Miami Beach, Florida, will hold a City Commission Meeting on **Tuesday, November 12, 2013, at 12:00 noon**, in the Commission Chambers, Third Floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, for the purpose of canvassing the returns of the November 5, 2013 General and Special Elections and ascertaining the results thereof. Should no Run-Off Election be necessary, new officers shall be declared elected subsequent to canvass of the final General Election returns, at which time the new officers shall be installed and shall enter upon the discharge of their duties. If a Run-Off Election is necessary, all new officers shall be declared elected subsequent to canvass of final Run-Off Election returns on the first business day immediately following the County Elections Supervisor's issuance of such final election results, at which time the new officers shall be installed and shall enter upon the discharge of their duties.

If a Run-Off Election is necessary, the Commission Meeting of November 12, 2013 shall occur for the limited purpose of canvassing the returns of the November 5, 2013 General and Special Elections, and/or to address any emergency matter(s), pursuant to Florida Statute §952.38 (as amended from time to time) and City Charter §2.05.

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. Inquiries concerning this item should be directed to the City Clerk's Office at 305.673.7411. This meeting may be continued, and under such circumstances, additional legal notice will not be provided.

Rafael E. Granado, Esq.,
City of Miami Beach City Clerk

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

To request this material in accessible format, sign language interpreters, information on access for persons with disabilities and/or any accommodation to review any document or participate in any City-sponsored proceeding, please contact us five days in advance at 305.673.7411 (voice) or TTY users may also call the Florida Relay Service at 711.

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