

MIAMI BEACH

City Commission Meeting

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive
January 15, 2014

Mayor Philip Levine
Vice-Mayor Deede Weithorn
Commissioner Michael Grieco
Commissioner Joy Malakoff
Commissioner Micky Steinberg
Commissioner Edward L. Tobin
Commissioner Jonah Wolfson

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

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ATTENTION ALL LOBBYISTS

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

Special note: In order to ensure adequate public consideration, if necessary, the Mayor and City Commission may move any agenda item to the alternate meeting date, which will only be held if needed. 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 a.m.

Inspirational Message given by Rabbi Aaron Katz.

Pledge of Allegiance led by Officer Sergeant Luis Sanchez.

Requests for Additions, Withdrawals and Deferrals announced by Rafael E. Granado, City Clerk.

The City Commission will recess for lunch at approximately 12:00 p.m.

ADDENDUM MATERIAL 1:

C4G C4H
R9L Deferred to February will not be added

ADDENDUM MATERIAL 2:

R9N
R9M

ADDENDUM MATERIAL 3:

C4I C7T C7U R5U

SUPPLEMENTAL MATERIAL 1:

R7E Memorandum
R7M Memorandum

ADDENDUM ITEMS:**9:20:44 a.m.**

Motion made by Vice-Mayor Weithorn; seconded by Mayor Levine to add to the Commission Agenda Items C4G, C4H, C4I, C7T, C7U, R5U, R9M and R9N; Voice-vote: 7-0.

9:06:17 a.m.**Announcement by Rafael E. Granado, City Clerk:**

Withdrawn Items: C2A, C7G, R5P, R7M and R9L (deferred). He also announced a correction to C7O and handouts on item C7O were distributed.

9:04:59 a.m.**New Item:**

Commissioner Tobin explained that he received several calls on the tennis management issue, and rather than having individual Commission Meetings, he had requested to place the item on the Agenda, and asked what the deadline was.

Rafael E. Granado, City Clerk, explained that the deadline for printing is by 5:00 p.m. (on the Wednesday before the Commission Meeting).

Commissioner Tobin suggested for the future, as policy standpoint, if the City Commission wants to set a deadline for agenda items, this might be better than have the City Clerk make the decision to avoid emergency items placed.

Vice-Mayor Weithorn suggested that any items that are not emergency and come in late should go to the second meeting, due to noticing purposes. These items should be discussed and unless is a true emergency, she concurs with Commissioner Tobin.

Commissioner Wolfson also agreed that there should be a policy timeframe, but on a case-by-case basis.

New Item:

Commissioner Wolfson wanted to discuss an upsetting issue that happened at Club Madonna. Commissioner Wolfson wants the City to play a role in regulating who is allowed to do these types of business. He requested to add this as an emergency item and for the City Manager/City Attorney to develop an ordinance.

Jose Smith, City Attorney, stated that he will work on drafting the ordinance by the next Commission Meeting. **City Attorney's Office to handle.**

Commissioner Tobin asked for the closing of the business.

Jose Smith, City Attorney, explained that the City Attorney's Office was served with a lawsuit on January 14, 2014, and he would rather not discuss the issue because the City will be going to Federal Court in a few days.

Discussion continued.

Jimmy L. Morales, City Manager, stated that he will be happy to add non-emergency items to the alternate Commission Meeting. He added that they are working hard on this and there was only one addendum by the Administration this time.

PRESENTATIONS AND AWARDS

Presentations and Awards ceremony will take place at the January 22, 2014 "Alternate" City Commission Meeting at 8:30 a.m. (City Clerk's Note: The January 22, 2014 meeting was cancelled.)

CONSENT AGENDA

ACTION: Motion made by Vice-Mayor Weithorn to approve the Consent Agenda, excluding separated items; seconded by Commissioner Tobin; Voice-vote: 7-0.

SEPARATED ITEMS:

Mayor Levine: C4I

Vice-Mayor Weithorn: C4D and C4H

Commissioner Grieco: C2F

Commissioner Tobin: C4E, C4C, C7H, C7L, C7C and C7N

C2 - Competitive Bid Reports

C2A Request For Approval To Authorize The Issuance Of A Request For Qualifications (RFQ) For An Infrastructure Condition Assessment And Master Plan Of The Lincoln Road.
(City Manager's Office/Procurement)

ACTION: Item withdrawn.

C2B Request For Approval To Award A Contract Pursuant To Invitation To Bid (ITB) No. 2014-002 For Armored Car Services.
(Finance/Procurement)

ACTION: Request authorized. **Patricia Walker and Alex Denis to handle.**

C2C Request For Approval To Award A Contract Pursuant To Invitation To Bid (ITB) No. 014-2013TC, For The Demolition Of The Normandy Shores Park Building.
(Parks & Recreation/Procurement)

ACTION: Request authorized. **John Rebar and Alex Denis to handle.**

- C2D Request For Approval To Authorize The Issuance Of A Request For Qualifications (RFQ) No. 2014-087SR For Citywide Demolition Services.
(Building/Procurement)

ACTION: Request authorized. **Mariano Fernandez and Alex Denis to handle.**

- C2E Request Approval To Exercise Term Renewal Options On Contracts For Routine Operational Requirements.
(Procurement)

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

9:35:56 a.m.

- C2F Request For Approval To Award A Contract, Pursuant To Invitation To Bid (ITB) No. 2013-171TC For The Playground Fence At South Pointe Park.
(Parks & Recreation/Procurement)

ACTION: Item separated for discussion by Commissioner Grieco. Item referred to the Neighborhood/Community Affairs Committee (NCAC) and includes pending state legislation in discussions. Motion made by Commissioner Grieco to refer to committee and not award contract today; seconded by Vice-Mayor Weithorn; Voice vote 7-0. Barbara Hawayek to place on the committee agenda. **John Rebar and Alex Denis to handle.**

Commissioner Grieco stated that this item is awarding a contract regarding playground fence in South Pointe Park, and for those that do not know, his family and many other children visit the park daily. The park is expensive, and this was part of an issue that he took up during his campaign. He does not recall any notice to the public about a fence, and discussion has been held regarding a fence or no fence around the off-leash dog area; they have talked about hedges and he asked that this item be referred back to Neighborhood/Community Affairs Committee (NCAC), at the request of Mr. Del Vecchio. Personally, he believes that a sightly or unsightly fence does not belong in South Pointe Park. Safety can be corrected by better enforcement of the rules in the park by contracting a security team.

Vice-Mayor Weithorn stated that it is a good idea referring the item to NCAC, but informed the Commission that there is pending legislation in Tallahassee regarding playgrounds and smoking in the park. She suggested that the committee look into this legislation during discussions. She agrees with Commissioner Grieco; however, she wants the parents to know that there is pending legislation that needs to be looked at.

- C2G Request For Approval To Award A Contract Pursuant To Invitation To Bid (ITB) No. 2013-373-MF For The Purchase Of Polymer Water Meter Boxes And Covers.
(Public Works/Procurement)

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

C4 - Commission Committee Assignments

- C4A Referral To The Planning Board - Proposed Amendment To The Land Development Regulations To Create A Crime Prevention Through Environmental Design (CPTED) Ordinance.
(Sponsored By Commissioner Edward L. Tobin)
(Legislative Tracking: Planning)

ACTION: Referred. **Thomas Mooney to place on the board agenda and to handle.**

- C4B Referral To The Neighborhood/Community Affairs Committee A Request From The North Bay Village Mayor To Discuss North Bay Village Residents' Use Of The Normandy Isle Facility.
(Parks & Recreation)

ACTION: Referred. Barbara Hawayek to place on the committee agenda. **John Rebar to handle.**

10:00:04 a.m.

- C4C Referral To The Land Use And Development Committee And Planning Board - Discuss A Change To The Composition Of The Design Review Board To A Board Of Professionals.
(Requested by Commissioner Joy Malakoff)

ACTION: Item separated for discussion by Commissioner Tobin. Referred. Motion made by Commissioner Malakoff; seconded by Vice-Mayor Weithorn; Voice-vote: 7-0. **Thomas Mooney to place on the board agendas and to handle.**

Commissioner Malakoff explained that she was requesting a discussion on the change in the composition of the Design Review Board and suggested referring to the Land Use Development Committee and then the Planning Board, with the idea of making the board composed of professionals.

10:42:31 a.m.

C4D Referral To The February 25, 2014 Planning Board Regarding A Code Amendment To The RM-3 Zoning District Setback Regulations For Detached Additions, Also Referred To As Cabana Structures, At Oceanfront Lots Located In The Miami Beach Architectural District, And For ADA Walkways And Ramp Structures In Side Yards.

(Requested by Commissioner Joyce Malakoff)

ACTION: Item separated for discussion by Vice-Mayor Weithorn. Referred as amended to the Land Use and Development Committee. Motion made by Vice Mayor Weithorn; seconded by Commissioner Steinberg; Voice vote; 7-0. **Thomas Mooney to place on the board and committee agenda and to handle.**

Amendment:

Refer concurrently to the LUDC.

Vice-Mayor Weithorn suggested sending this item to Land Use and Development Committee concurrently with the Planning referral. She explained that this will not slow down the process. Commissioner Malakoff is agreeable.

09:52:45 a.m.

C4E Referral To The February Planning Board Meeting - An Ordinance That Creates A New Height Category In The RM-2 Zoning District For Oceanfront Lots Located Within 150 Feet Of North Shore Open Space Park.

(Requested by Commissioner Jonah Wolfson)

ACTION: Item separated for discussion by Commissioner Tobin. Item referred to the Planning Board and then to return to the City Commission. Motion made by Commissioner Wolfson; seconded by Vice-Mayor Weithorn; Voice vote: 7-0. **Thomas Mooney to place on the board agenda and to handle.**

Commissioner Tobin explained that the item was referred to the Planning Board to create height category in the RM-2 zoning district for oceanfront lots located within 150 feet of North Shore Open Space Park. This item is regarding someone that wants to do a project in the north end. He just wants to know, procedurally, if Commissioners can directly refer land use changes items to the Planning Board without Commission discussion. He is agreeable with the item, and the project looks exciting, but he feels that procedurally, the item should be discussed first and then referred to the Planning Board. He feels it should go to Land Use and Development Committee as a dual track to discuss.

Commissioner Wolfson explained for the public, that this is a hotel in the northern most end of North Beach, and residents in this area have been clamoring for years for good development. This is a group that has spent a lot of money on existing hotels there, and they need the City's help to make the project make sense and make a profit. He is happy to help with that regard. The job has incredible potential and is at the entryway of the City. In an effort to expedite, it must have a hearing in Planning. If there is desire to discuss in Land Use, he has no problem with that, as long as it does not stop this Commission from allowing this project to happen.

Vice-Mayor Weithorn states that it is a dangerous precedent to refer items to Planning without Land Use input, as staff can spend a lot of resources preparing and drafting ordinances that may

not ultimately be adopted. She agrees with Commissioner Tobin and added that any time they change policy, it has to start at Land Use and Development Committee (LUDC), and not at Planning.

Commissioner Malakoff, Chair of the LUDC, explained that she was given a list of pending items for discussion, and feels that this Commission should try to move things quickly. She has no objection with discussion at committees; however, she does not feel that this particular item should be discussed at LUDC. She requested that discussion items be moved quicker.

Commissioner Steinberg believes this should be referred to Planning. They all want to see this happen in North Beach.

Commissioner Wolfson made a motion to refer item to Planning, and then come back to Commission; seconded by Vice-Mayor Weithorn; Voice-vote: 7-0.

C4F Referral To The Neighborhood/Community Affairs Committee - Discussion Regarding Beachfront Concession Buffer Zones.

(City Manager's Office)

ACTION: Referred. Barbara Hawayek to place on the committee agenda. **Max Sklar to handle.**

ADDENDUM MATERIAL 1

C4G Referral To The Neighborhood/Community Affairs Committee - Discuss How We Can Make Nautilus Middle School The Best In The Country And/Or The Creation Of A Miami Beach Middle School.

(Requested by Commissioner Edward L. Tobin)

ACTION: Referred. Barbara Hawayek to place on the committee agenda. **Leslie Rosenfeld to handle.**

10:43:28 a.m.

ADDENDUM MATERIAL 1

C4H Referral To The Planning Board - An Ordinance Amending The Land Development Regulations To Repeal Ordinance No. 2013-3799, Which Created An Additional Conditional Use To Permit Self-Storage In The CD-2 Zoning District Along The Alton Road Corridor.

(Requested by Commissioner Jonah Wolfson)

ACTION: Item separated for discussion by Vice-Mayor Weithorn. Referred. Motion made by Commissioner Wolfson to refer item to both LUDC and Planning; seconded by Mayor Levine; Voice-vote: 6-1; Opposed: Vice-Mayor Weithorn. **Thomas Mooney to place on the board and committee agendas and to handle.**

REFERRALS:

Land Use and Development Committee and
Planning Board

Vice-Mayor Weithorn stated that this item has to do with a change in policy. The item has already been discussed at Planning and she thinks it should go back to LUDC where it started.

Discussion held.

Commissioner Wolfson explained that there was an opportunity to revisit an issue that went wrong; he does not think self-storage is a good use in the Alton Road area; this was done to allow a single property to have self-storage as a use, and then in an effort not to spot zone they had to open it up to five/seven blocks. He wanted the Planning Board to consider a repeal, which he thinks is the right thing to do. He believes they need walkability on that road and things that will activate the road for residents.

Mayor Levine stated that Alton Road should be looked at in its entirety, and it should be a pedestrian friendly street, a fabulous boulevard, with retail, shops, cafés, etc., but public storage is something he would not recommend.

Vice-Mayor Weithorn stated that this is the reason this item should be discussed at committee, and not at Planning. She is disagreeing where the item is being referred. She requested the item be referred to Land Use for policy direction, and then perhaps to Planning.

Commissioner Malakoff suggested adding restrictions for self-storage facilities not to proliferate. She thinks Land Use referral is a good idea.

Discussion continued regarding spot zoning.

Mayor Levine asked the City Attorney how they can ensure that they do not see public storage on Alton Road until further discussed and that nothing will happen in the meantime.

Jose Smith, City Attorney, stated that one of the things they can do is that if there happens to be a proliferation of these facilities in this corridor, there may be a possibility of doing a brief moratorium, so no one else can file, while they entertain the changes.

Commissioner Wolfson made a motion for a brief moratorium while discussing at committee, and empower the LUDC to refer to Planning Board.

Gary Held, First Assistant City Attorney, stated that a moratorium needs to be adopted pursuant to the formality of the zoning ordinance, which itself would require referral to the Planning Board and two readings to the City Commission. Self-storage, pursuant to the ordinance that Commissioner Wolfson wants to refer to the Planning Board, requires conditional use approval and Historic Preservation Board approval. The property owner pursuing this has neither one at the moment, and if it were referred, they may get zoning in progress on the repeal, which would preclude them from going forward prior to them obtaining those approvals that would have the effect of a moratorium.

Commissioner Wolfson suggested referring to the Planning Board.

Discussion continued regarding referral to LUDC.

Vice-Mayor Weithorn stated that this is a policy decision and feels strongly that Commissioner Malakoff, as Chair of the LUDC, will be able to run a proper committee. She suggested working

with the system the way it was designed.

Discussion continued.

Motion made by Commissioner Wolfson to refer the repeal to the Land Use and Development Committee for discussion.

Wayne Pathman, Esq., explained their proposal and added that it is not spot zoning. The prior Commission and the Planning Board decided to have it only in this corridor. Discussion went through committees. The neighborhood supported this project overwhelmingly.

Discussion continued.

Motion made by Commissioner Wolfson to refer item to both LUDC and Planning; seconded by Mayor Levine; Voice-vote: 6-1; Opposed: Vice-Mayor Weithorn.

9:39:29 a.m.

ADDENDUM MATERIAL 3:

C4I Referral To The Neighborhood/Community Affairs Committee Proposed Audit Of The Police Department.

(City Manager's Office)

ACTION: Item separated for discussion by Mayor Levine. Item NOT referred. Motion made by Commissioner Wolfson to direct staff and the City Manager to move forward with this agreement and the negotiations; seconded by Commissioner Malakoff. **Chief Martinez to handle and Office of the City Manager to handle.** Commissioner Tobin to meet with the City Manager to discuss the scope of services. **Marsha Monserrat to handle.**

Jimmy L. Morales, City Manager, apologized for adding this referral item late. He explained that back in September there was a discussion regarding certain issues of the Police Department, and there had been a referral to the Neighborhood/Community Affairs Committee asking the Administration to come back with a proposal and scope to review for the ISCP. On due diligence, Chief Martinez and himself identified some organizations they thought might be better suited and he added the referral to let them come back with a proposal and scope of services.

Vice-Mayor Weithorn asked why it had to be referred to committee.

Discussion held.

Commissioner Tobin stated that it is a good idea to have discussion on this item; they had a Maximus study done about eight years ago and there are still things in that study that were not implemented. He does not mind, he thinks is good to discuss; there are many ways to study a Police Department and they will learn.

Commissioner Wolfson moved to refer the item and for the City Manager to move forward with the negotiations and get the audit on its way, then bring back to Commission; seconded by Mayor Levine.

Commissioner Tobin asked who will be doing the audit.

Discussion continued.

TO DO:

Jimmy L. Morales, City Manager, will bring the contract and scope of services at the next meeting.

Commissioner Wolfson suggested moving the item forward, have a vote, and in the interim, Commissioner Tobin and the City Manager can meet to discuss.

Commissioner Tobin explained that several audits have been done to various departments throughout time, and because of the scope of the audit is wrong, and someone feels good about saying that they are getting an audit; people for example steal funds from a not-for-profit. He wants to know what kind of audit they are doing.

Vice-Mayor Weithorn suggested an amendment to have Commissioner Tobin work with staff to ensure that the scope is correct. She asked if he accepted this amendment and Commissioner Tobin was agreeable.

Discussion continued.

Commissioner Wolfson stated that the City Manager should do his due diligence, and errors that were made in the past should not repeat themselves.

Motion by Commissioner Wolfson to direct staff and the City Manager to move forward with this agreement and the negotiations; motion was seconded by Commissioner Malakoff.

Commissioner Tobin objected as a matter of policy and procedure due to lack of notice, as this is a referral.

Jose Smith, City Attorney, suggested referring item, allowing the City Manager to start negotiating the deal, discuss at NCAC and bring back for approval.

Mayor Levine stated that he prefers to move the item and not refer.

Jose Smith, City Attorney, explained that there is no issue of notice and they can make a motion.

Jimmy L. Morales, City Manager, in answering Commissioner Tobin's question, explained that they have communicated with Police Executive Research Forum ("PERF"), with a group out of Cincinnati and the General Counsel of ACLU to review some civil right issues, which is one of the concerns raised.

Mayor Levine explained that during this election it was very clear from the residents that they would like to see change throughout all aspects of government, get things done and move things forward. One of the areas of issue was the Police Department, with some negative and positive things; there has been media attention nationally from The New York Times and CNN regarding various incidents, from Tasers and people being run over with ATV's to people getting beat up. He believes as Mayor that they need to move this forward, they owe it to the people of Miami Beach to fully audit the Miami Beach Police Department, to make sure that the force being used has been audited, and this is something they cannot wait. The City Manager has investigated this

item and time is of the essence. They need to move forward on this now, without analysis or paralysis. Allow the City Manager to negotiate a deal so that they understand the police force.

Commissioner Tobin understands the obligation to the public, and not just a superficial, but a real obligation. He wants an in-depth audit to make sure they cover all the issues. He simply wanted to make sure that they are getting an audit that does not result in embezzlement like the one they had in the Miami Beach Health Trust. He suggested, as Vice-Mayor Weithorn stated, that he meet with the City Manager to review the scope of services.

Discussion continued.

Voice-vote: 7-0.

Jimmy L. Morales, City Manager, will circulate the scope of services. **City Manager Morales and Commissioner Tobin to review scope of services.**

C6 - Commission Committee Reports

C6A Report Of The Capital Improvement Projects Oversight Committee Meeting On October 14, 2013: **1) Attendance. 2) Accomplishments: A. Flamingo Park Football Field Track Substantial Completion; B. Surface Parking Lot 13x (10th And Washington) Substantial Completion. 3) Review And Acceptance Of Minutes. 4) Public Comments. 5) Old Business/Requested Reports: A. Committee-Requested Information By Public Works Department; B. North Beach Neighborhoods: 1. Status Report: Normandy Isle Phase II Neighborhood Improvements; 2. Status Report: Biscayne Point Neighborhood Improvements; C. Middle Beach Neighborhoods: 1. Status Report: Central Bayshore Improvements; 2. Status Report: Lake Pancoast Neighborhood Improvements; 3. Status On Lower North Bay Road Neighborhood Improvements; D. South Beach Neighborhoods: 1. Status Report: Venetian Island Neighborhood Improvement Project; 2. Status Report: Palm & Hibiscus Island Neighborhood Improvements & Utilities Undergrounding; 3. Status Report: South Pointe Phase III, IV & V Neighborhood Improvement Project. 6) Commission Items: A. Bayshore Neighborhood Right-Of-Way Neighborhood Improvement Project; B. Flamingo Park Project; C. Collins Park Place Project; D. Par 3 Golf Course Project. 7) Additional Discussion.**

ACTION:

Item No. 1: Attendance

Item No. 2: Accomplishments: A. Flamingo Park Football Field Track Substantial Completion; B. Surface Parking Lot 13x (10th And Washington) Substantial Completion
These items were included on the agenda, but never addressed.

Item No. 3: Review And Acceptance Of Minutes

MOTION: Acceptance of Report (Minutes) of the July 15, 2013 CIPOC Meeting

MOVED: C. Cuervo 2nd: C. Jacobs

PASSED: UNANIMOUS

Item No. 4: Public Comments

Ronald Starkman, representing the South of Fifth Neighborhood Association (SOFNA), had some concerns about the South Pointe Drive Median Project.

The Committee advised him that his request could not be addressed at CIPOC, and that they should be taken to the Commission. An item is included in a future Commission agenda.

Item No. 5: Old Business/Requested Reports:

A. Committee-Requested Information By Public Works Department;

This information was presented within the discussion of the minutes. See above.

B. North Beach Neighborhoods:

Mattie Reyes, Senior Capital Project Coordinator noted that there are updates to the schedule that differ from the schedule published in the agenda packet. The Commission approved funding for lighting infill on Marseille Drive. The new dates, as a result of this additional scope of work are as follows:

Advertise ITB	January 2014
Commission	March 2014

1. Status Report: Normandy Isle Phase II Neighborhood Improvements; 2. Status Report: Biscayne Point Neighborhood Improvements;

C. Middle Beach Neighborhoods:

Project manager Olga Sanchez said that the first phase of the project is 70% complete, and work has begun on the second phase of the project, which includes additional drainage systems. The entire project is expected to be completed in the summer of 2014.

1. Status Report: Central Bayshore Improvements;

2. Status Report: Lake Pancoast Neighborhood Improvements;

Olga Sanchez explained that this project is 95% complete. Landscaping is almost complete. The second lift of asphalt is scheduled for the middle of November.

3. Status On Lower North Bay Road Neighborhood Improvements;

Report included in agenda packet, but not discussed at the meeting.

D. South Beach Neighborhoods:

Mattie Reyes reported that the contractor has secured a staging site, so now the Public Works Department will issue the right of way permit. The encroachment removal process has been proceeding relatively smoothly. The utility relocations are underway. TECO has completed their work; FP&L is still working. The Second Notice to Proceed is expected to be issued by the end of this week.

1. Status Report: Venetian Island Neighborhood Improvement Project;

2. Status Report: Palm & Hibiscus Island Neighborhood Improvements & Utilities Undergrounding;

Report included in agenda packet, but not discussed at the meeting.

3. Status Report: South Pointe Phase III, IV & V Neighborhood Improvement Project

Carla Dixon said that all infrastructure is installed and being tested. Permanent lighting is ready

for inspection. David Martinez explained the contractor is having financial difficulty with respect to the South Pointe Ph. III, IV, V Project. This has resulted in a slow process of finalization. The trees installed by the landscaping subcontractor, for example, did not meet City standards and were rejected by the City. The Administration is working on solutions to close out this project.

Item No. 6: Commission Items:

A. Bayshore Neighborhood Right-Of-Way Neighborhood Improvement Project;

The vote was to recommend that the Commission pass the resolution approving an amendment to the BODR, which included additional scope as requested by the Homeowner Association, changing the roadway widths and modifying the parking on 40 Street.

MOVED: C. Jacobs 2nd : R. Rabinowitz
UNANIMOUS

B. Flamingo Park Project

The vote was to authorize Amendment 5 to the Professional Services Agreement with Wolfberg Alvarez and Partners, to complete the remainder of design for Flamingo Park.

MOVED: S. Kilroy 2nd: E. Camargo
UNANIMOUS.

C. Collins Park Place Project; D. Par 3 Golf Course Project

The vote was to recommend the issuance of an RFQ for a Construction Manager at Risk firm to provide pre-construction services and construction phase services via a guaranteed maximum price for the Collins Park Place Project.

Saul Gross noted some discrepancies in the Commission item and asked that the language be clarified. He also pointed out that the City is not allowing flexibility on the number of years of experience of CM@Risk projects. Stacey Kilroy pointed out that the qualifications apply to the principal of the firm, and this is the spirit of intent that the City had traditionally followed. David Martinez advised the Committee that staff would discuss this further and make any necessary and recommended changes.

Bert Cabanas explained that the core and shell of this building will be LEED (Silver) certified.

MOVED: T. Trujillo 2nd: R. Rabinowitz
UNANIMOUS

D. Par 3 Golf Course Project

Authorization to approve a Guaranteed Maximum Price with QGS Construction, Inc. for pre-construction services for the Par 3 Golf Course Project.

*THE COMMITTEE DID NOT VOTE ON THIS ITEM.

Item No. 7: Additional Discussion

Saul Gross requested a chart of the dollars spent or allocated by the City to date for stormwater drainage. The Office of CIP provided a first draft of the chart, identifying city projects. Staff has inquired with County and State construction entities to obtain information on those projects occurring within the city limits.

C7 - Resolutions

C7A A Resolution Approving And Authorizing The City Manager Or His Designee To Take The Following Actions: 1) Submit A Grant Application To Miami-Dade Metropolitan Planning Organization (MPO), Municipal Grant Program, For Funding, In The Approximate Amount Of \$50,000 For A Feasibility Study For The Boardwalk/Beachwalk From 23rd – 64th Street; And Further, Retroactively Approving The Following: 2) Submittal Of A Grant Application To Miami-Dade County Homeless Trust, For Inclusion In The Application To Be Submitted By The Miami-Dade County Continuum Of Care For The 2013/2014 U.S. HUD Notice Of Funding Availability (NOFA) For The Continuum Of Care Program, For Funding, In The Amount Of \$65,212, For The City's Homeless Outreach Program; Appropriating The Above Grants, Matching Funds, And City Expenses, If Approved And Accepted By The City And Authorizing The Execution Of All Necessary Documents Related To The Aforestated Applications, Including, Without Limitation, Audits, And Authorizing The City Manager Or His Designee To Take All Necessary Actions Related To These Grants.

(Budget & Performance Improvement)

ACTION: Resolution 2014-28447 adopted. Patricia Walker to appropriate the funds if approved and accepted. **John Woodruff and Judy Hoanshelt to handle.**

C7B A Resolution Authorizing The Administration To Enter Into Negotiations With Inktel Government BPO Services (Inktel), For An Amendment To Inktel's Current Contract With The City, Entered Into Pursuant To Request For Proposals No. 022-2013ME And Dated April 26, 2013; Said Amendment For The Purpose Of Continuing To Provide Call Center Services To The City's Building Department, And Consolidating The Current Two Current Contracts With Inktel Into One Agreement; And Further Authorizing The Extension Of The Current Agreement With Inktel With The Building Department (Which Will Expire On February 27, 2014) On A Month To Month Basis, Pending The Conclusion Of Those Negotiations; And Further Authorizing The Mayor And City Clerk To Execute The Amendment Upon Conclusion Of Successful Negotiations By The Administration.

(Building/Finance)

ACTION: Resolution 2014-28448 adopted. Mariano Fernandez and Patricia Walker to handle.

10:02:48 a.m.

C7C A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 5 To The Professional Architectural And Engineering (A/E) Services Agreement Between The City And Wolfberg Alvarez And Partners, For Additional Professional Services For The Flamingo Park Project, In The Negotiated Not-To-Exceed Amount Of \$381,261, And An Additional Amount Of \$22,000 For Reimbursable Expenses, For A Total Amount Of \$403,261; With Previously Appropriated Funding From Fund 390, Miami Dade County Building Better Communities General Obligation Bond Program.

(Capital Improvement Projects)

ACTION: Item separated for discussion by Commissioner Tobin. **Resolution 2014-28449 adopted.** Motion made by Vice-Mayor Weithorn; seconded by Commissioner Wolfson; Voice-vote: 7-0. **David Martinez to handle.**

Commissioner Tobin asked staff to explain the item.

David Martinez, CIP Director, explained that this is Amendment No. 5 to Wolfberg Alvarez, to continue and finish the planning design of the Flamingo Park Master Plan. They will be preparing the design plans to take it into construction.

Discussion held.

Commissioner Tobin stated that there are many amendments to contracts and more money is being spent. Someone can come in on a low bid and the City ends up paying more money with these amendments. The City does not necessarily have anyone assigned to review change orders and additional scopes. Commissioner Tobin stated that there is a weakness in doing these things, and they need someone in-house with experience that has a deeper understanding of this. He has repeated this for six years. They need a specialized individual with in-depth experience. Soft costs come up in Consent Agenda all the time for additional funding requests.

Jimmy L. Morales, City Manager, stated that this is the Master Plan for the Flamingo Park, and as each phase comes up, is not that they are changing an order, but are moving to the next phase. They are doing now the remaining work on the park, so the contract is being amended.

Discussion continued. Commissioner Tobin suggested that they come up with a process to avoid problems from time to time and hire an expert in the Department.

Vice-Mayor Weithorn stated that if they want government to move, when they do construction and they do a plan, they have to do an existing condition survey; they get into projects and then figure out that it is worse than they thought; they need to figure out what things are first. If they do not want these amendments repeatedly, let us figure it out from the beginning. Contractors do go out of business and natural disasters occur, but to deal with soft costs, she agrees with Commissioner Tobin that the process needs to be changed.

Commissioner Tobin added that they need to have a process.

Mayor Levine stated that there will be great changes in the process with the assistance of the City Manager, and he is confident that changes will happen. He is confident.

Motion made by Vice-Mayor Weithorn; seconded by Commissioner Wolfson; Voice-vote: 7-0.

- C7D A Resolution Approving An Additional Amount Of \$170,667 To Complete The Lincoln Road Mall Landscaping Project.

(Parks & Recreation)

ACTION: Resolution 2014-28450 adopted. John Rebar to handle.

- C7E A Resolution Approving A Month-To-Month Extension Of The City's Current Agreement With Car Charging Group, Inc. (CCGI), For Electric Vehicle Charging Stations At The 13th Street Garage, Until A New Contract Is Awarded And Executed; With Such Extension To Have Been Deemed To Have Commenced On October 3, 2013, And Terminable Without Cause And Without Liability To The City, Upon Written Notice To CCGI; And A Referral To The Finance And Citywide Projects Committee For Discussion.

(Parking)

ACTION: Resolution 2014-28451 adopted. Saul Frances to handle.

- C7F A Resolution Authorizing The City Manager And City Clerk To Execute An Amendment To The Technical Service Support Agreement Between The City And Physio Control, Inc., To Add Four (4) Lifepak 15S And Five (5) Lifepak 1000S Defibrillators To The Maintenance Contract, In The Additional Amount Of \$10,975.27.

(Fire/Procurement)

ACTION: Resolution 2014-28452 adopted. Chief Otero and Alex Denis to handle.

- C7G A Resolution Authorizing The Creation Of A Commercial Use Permit Process And Fee For The Purpose Of Legitimizing And Management Of Fitness, Training, Tennis And Other Outdoor Professional Services At City Facilities Parks And Beaches.

(Parks & Recreation)

ACTION: Item withdrawn.

10:01:06 a.m.

3:09:46 p.m.

C7H A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 15, To The Existing Professional Services Agreement Between The City Of Miami Beach And Chen Moore & Associates, Inc. (CMA), Dated September 8, 2004, For The City Center Right-Of-Way Neighborhood Improvement Project; In The Negotiated Not-To-Exceed Amount Of \$145,174, To Provide Extended Construction Administration And Resident Project Representative Services To Project Completion For The City Center Right-Of-Way Neighborhood Improvements Bid Pack 9A; With Previously Appropriated Funding From The City Center RDA Fund 365.

(Capital Improvement Projects)

ACTION: Item separated for discussion by Commissioner Tobin. **Resolution 2014-28453 adopted.** Motion made by Vice-Mayor Weithorn; seconded by Mayor Levine; Voice vote; 7-0. **David Martinez to handle.**

Commissioner Tobin stated that he was briefed by staff and is comfortable with passing this resolution.

C7I A Resolution Approving A Preconstruction Application For Historic Ad Valorem Tax Exemption For A Single-Family Property At 2301 North Meridian Avenue, And Authorizing The Miami-Dade County Property Appraiser's Office To Grant This Tax Exemption For The City's Portion Of Ad Valorem Property Taxes For Qualifying Improvements To The Subject Property Following Substantial Completion Of The Project And Compliance With Certain Conditions.

(Planning)

ACTION: Resolution 2014-28454 adopted. Thomas Mooney to handle.

C7J A Resolution Approving A Federal Equitable Sharing Agreement With The United States Department Of Justice And The United States Department Of The Treasury, And Authorizing The Mayor And The City Clerk To Execute The Agreement.

(Police)

ACTION: Resolution 2014-28455 adopted. Chief Martinez to handle.

C7K A Resolution Approving Further Month-To-Month Extensions Of The Following Agreements Between The City And, Respectively: 1) Ashbritt, Inc.; 2) Ceres Environmental Services, Inc.; 3) Phillips And Jordan, Inc.; And 4) Crowdergulf Joint Ventures, Inc. (Collectively, The "Contractors"), For Disaster Recovery Services; With Said Extensions Commencing As Of February 1, 2014, And Terminable By The City, For Convenience And Without Cause, Upon Thirty (30) Days Prior Written Notice To The Contractors.

(Public Works)

ACTION: Resolution 2014-28456 adopted. Eric Carpenter to handle.

10:01:57 a.m.

C7L A Resolution Approving And Authorizing The Mayor And The City Clerk To Execute GMP Amendment No. 3 To The Pre-Construction Services Agreement With The Weitz Company, Dated May 14, 2012, For The South Pointe Park Pier Project, In The Amount Of \$47,588, With Funding For This Amendment Previously Appropriated As Follows: \$47,588 From The South Pointe Capital Fund 389; Said Amendment Further Extending The Contract Time For Substantial Completion Of The Work.

(Capital Improvement Projects)

ACTION: Item separated for discussion by Commissioner Tobin. **Resolution 2014-28457 adopted.** Motion made by Commissioner Tobin; seconded by Vice-Mayor Weithorn; Voice vote: 7-0. **David Martinez to handle.**

Commissioner Tobin asked who is being paid the extra \$47,000.

David Martinez, CIP Director, stated that the Weitz Company is the construction management at-risk company selected to construct the pier.

Moved by Commissioner Tobin; seconded by Vice-Mayor Weithorn; Voice-vote: 7-0.

C7M A Resolution Approving And Authorizing The Mayor And City Clerk To Execute An Agreement With The Miami Herald For The Purpose Of Advertising City Events, Programs, And Facilities.
(Tourism, Culture & Economic Development)

ACTION: Resolution 2014-28458 adopted. Max Sklar to handle.

10:10:06 a.m.

C7N A Resolution Authorizing The Donation Of A Walk-In Refrigerator, In "As Is" Condition, To St. Patrick's Church For Use In Its Community Food Bank Program.

(Housing & Community Development)

ACTION: Item separated for discussion by Commissioner Tobin. **Resolution 2014-28459 adopted.** Motion made by Commissioner Wolfson to move the item; seconded by Commissioner Steinberg; Voice-vote: 7-0. **Maria Ruiz to handle.**

Commissioner Tobin stated that his office has been working for a couple of years with Maria Ruiz on a program that gets the kids from the Teen Club and partners them with Police Officers to distribute and deliver food to needy people. They used to delivered food around the City, but the company went out of business. This item is to take the walk-in refrigerator in the Log Cabin and donate it to St. Patrick's Church. His office has also worked with St. Patrick's Church in trying to integrate the food program, but requested to hold off on the donation, as there are other food programs that include agricultural programs in Homestead, and this may be an opportunity to share the walk-in with the Rabbi at Howard Johnson. He asked to delay the donation until Maria Ruiz gets an answer.

Commissioner Wolfson stated that St. Patrick's needs this refrigerator now. He knows that Commissioner Tobin is very involved in this food program but he thinks they should donate it.

Commissioner Tobin stated that he is reviewing the zoning for St. Patrick's Church because the food program they have may be actually out of the zoning and their program can use some organization.

Discussion held.

Maria Ruiz, Director of Housing and Community Development Department, explained that when they did the walk through with the SHARE program, the big issue was that St. Patrick's currently cannot offer dairy food because they have a walk-in freezer, but with this refrigerator it would enable them to offer dairy products, which is what the community needs the most. They do not have the capacity to store those items without this refrigerator. Once they have this capacity, then they can access the farm products, which will have a huge impact on the majority of the families they serve, which is over 200 families per week.

Motion made by Commissioner Wolfson to move the item; seconded by Commissioner Steinberg; Voice-vote: 7-0.

- C7O A Resolution Approving And Authorizing The City Manager To Issue A Certification Of Consistency With The City's FY 2013-2017 Consolidated Plan To The Miami-Dade County Homeless Trust (Trust) For Their Application Of Funding Through The U.S. Department Of Housing And Urban Development's (HUD) Notice Of Funding Availability (NOFA) For The Continuum Of Care (CoC) Program - Funding Opportunity Number FR-5700-N-31B; Further Authorizing The City Manager To Execute Any Subsequent Certifications Of Consistency With The City's Consolidated Plan For Renewal And New Applications Of Funding For The City's Homeless Services Program And For Douglas Gardens Community Mental Health Center Of Miami Beach, Inc., To Continue Providing Outreach, Housing And Supportive Services To Homeless Persons In Miami Beach.
(Housing & Community Development)

ACTION: Resolution 2014-28460 adopted. Maria Ruiz to handle.

- C7P A Resolution Authorizing The Issuance Of A Request For Proposals (RFP) For Investment Advisory Services; And Authorizing A Month-To-Month Extension To Cutwater Asset Management (F/K/A MBIA Municipal Investors Service Corporation Advisory Services) Agreement Until A New Contract Is Awarded And Executed.
(Finance/Procurement)

ACTION: Resolution 2014-28461 adopted. Patricia Walker and Alex Denis to handle.

- C7Q A Resolution Approving And Authorizing The City Manager To Participate In The National Joint Powers Alliance National Co-Operative For The Purchase Of Competitively Bid Routine Operational Requirements, And Waiving By 5/7th Vote The City's Formal Competitive Bidding Requirements, Finding Such Waiver To Be In The Best Interest Of The City.
(Procurement)

ACTION: Resolution 2014-28462 adopted. Alex Denis to handle.

- C7R A Resolution Approving And Authorizing The Following Actions With Regard To The City's Neighborhood Stabilization Program 1 (NSP1) Agreement Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 7 To The Subgrant Agreement Between The State Of Florida Department Of Economic Opportunity (DEO) And The City Modifying The Expiration Date Of The Subgrant Agreement From February 15, 2014 To August 15, 2014 Further Authorizing The City Manager Or His Designee To Take Such Actions, As May Be Required, With Regard To Preparing And Having The Mayor And City Clerk Execute Modifications
(Housing & Community Development)

ACTION: Resolution 2014-28463 adopted. Maria Ruiz to handle.

- C7S A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 6 To The Professional Services Agreement With Atkins North America, Inc. For Extended Construction Administration And Resident Project Representative Services, For A Period Of Up To Three (3) Months, For The South Pointe Park Pier Project In The Amount Of \$81,000 With Previously Appropriated Funding From Fund 389, South Pointe Capital Fund.
(Capital Improvement Projects)

ACTION: Resolution 2014-28464 adopted. David Martinez to handle.

ADDENDUM MATERIAL 3:

- C7T A Resolution Accepting The Mayor's Recommendation To Authorize The City Manager And The City Attorney To Take Any And All Actions As May Be Required To Create And Establish An Independent Not-For-Profit 501(C)(3) Organization, To Be Known As "One Miami Beach," For The Purpose Of Providing Assistance To Worthy And Qualified Community Needs And Projects That Benefit The Health, Welfare, Or Safety Of The City Of Miami Beach And Whose Membership Will Be Composed Of The Mayor And Two City Commissioners Selected By The Mayor And, As Necessary, Will Be Subject To The Florida Sunshine Law.
(Requested by Mayor Philip Levine)

ACTION: Resolution 2014-28465 adopted. City Attorney's Office to handle.

ADDENDUM MATERIAL 3:

- C7U A Resolution Urging The Miami-Dade County Board Of County Commissioners To Adopt Legislation That Would Expand Opportunities For Digital Dispatch Providers Of For-Hire Transportation Services In Miami-Dade County.
(Requested by Mayor Philip Levine)
(Legislative Tracking: City Attorney's Office)

ACTION: Resolution 2014-28466 adopted. City Attorney's Office to handle.

End of Consent Agenda

REGULAR AGENDA

R5 - Ordinances

10:30:24 a.m.

R5A An Ordinance Amending Chapter 42 Of The Miami Beach City Code, Entitled "Emergency Services," By Amending Article II Thereof, Entitled "Alarm Systems," By Amending Section 42-86, Entitled "False Alarms," To Prohibit Three (3) Or More False Intrusion Alarms; By Amending Section 42-89 Entitled "Notification Of False Alarms," Which Shall Be Entitled "Enforcement," And Sets Forth The Enforcement Authority Of The Miami Beach Police Department And The Issuance Of A Notice Of Violation For Section 42-86; By Amending Section 42-90 Entitled "Initial Review Upon Notification," Which Shall Be Entitled "Rights Of Violators; Payment Of Fine; Right To Appear; Failure To Pay Civil Fine Or To Appeal," And Specifically Delineates The Rights Of Violators, Payment Of Fine, Right To Appear, And Failure To Pay The Civil Fine Or Appeal; By Amending Section 42-91 Entitled "Appeal Of False Alarm Designation," Which Shall Be Entitled "Penalties," By Providing For Penalties Regarding A False Intrusion Alarm; By Deleting Section 42-92 Entitled "Penalty For Violation Of Division"; Providing For Repealer, Codification, Severability, And An Effective Date. **10:20 a.m. Second Reading Public Hearing**

(Sponsored by the Finance & Citywide Projects Committee)

(Legislative Tracking: Police)

(First Reading on December 11, 2013)

ACTION: Title of the ordinance read into the record. Public Hearing held. **Ordinance No. 2014-3830 adopted.** Motion made by Vice-Mayor Weithorn to approve the ordinance; seconded by Mayor Levine; Ballot vote: 7-0. **Patricia Walker and Chief Martinez to handle.**

Handouts and Reference Materials:

1. Ad in The Miami Herald – Ad # 854

10:32:21 a.m.

R5B An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 106, Entitled "Traffic And Vehicles," By Amending Article XI, Entitled "Adoption Of The Mark Wandall Traffic Safety Act And Program," By Amending Section 106-480, Entitled "Adoption Of State Act And Program," That Delineates The Statutory Authority For Using Traffic Infraction Detectors In The City Of Miami Beach; By Amending Sections 106-481 Through 106-484, Entitled "Reserved" By Adding Section 106-481, Entitled "Local Hearing Officer," Which Authorizes A Local Hearing Officer To Conduct Hearings For A Violation Of Section 316.0083 Of The Florida Statutes; By Providing The Process For The Selection Of A Local Hearing Officer; By Authorizing The Miami Beach Clerk's Office To Serve As Staff For The Local Hearing Officer; By Limiting The Authority Of The Local Hearing Officer; And Setting Forth Penalties And Costs To Be Imposed By The Local Hearing Officer; Providing For Codification; Severability; Repealer; And An Effective Date. **10:25 a.m. Second Reading Public Hearing**

(Sponsored by Finance & Citywide Projects Committee/

Requested by Former Commissioner Góngora)

(Legislative Tracking: Police)

(First Reading on December 11, 2013)

ACTION: Title of the ordinance read into the record. Public Hearing held. **Ordinance No. 2014-3831 adopted.** Motion made by Vice-Mayor Weithorn to approve the ordinance; seconded by Commissioner Tobin; Ballot vote: 7-0. **Chief Martinez to handle.**

Vice-Mayor Weithorn asked what the pending legislation in Tallahassee regarding this item is.

Jose Smith, City Attorney, responded that there is always legislation trying to repeal it, but he does not think there is any sense that this will happen.

Handouts and Reference Materials:

1. Ad in The Miami Herald – Ad # 854

10:34:23 a.m.

R5C Temporary Business Signs on Public Property

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 82, "Public Property," Article IV, "Uses In Public Rights-Of-Way," Division 6, "Prohibited Signs Over Public Property," Section 82-411, "Prohibited Signs Generally; Exemptions; Banners; Removal," To Permit The Placement Of Temporary Business Signs On City Rights-Of-Way During Public Construction Projects; Providing For Codification; Repealer; Severability And An Effective Date. **10:30 a.m. Second Reading Public Hearing**

(Sponsored by the Land Use & Development Committee/Requested by Administration)

(Legislative Tracking: Planning Department)

(First Reading on December 11, 2013)

ACTION: Title of the ordinance read into the record. Public Hearing held. **Ordinance No. 2014-3832 adopted.** Motion made by Vice-Mayor Weithorn to approve the ordinance; seconded by Commissioner Steinberg; Ballot vote: 7-0. **Thomas Mooney to handle.**

Thomas Mooney, Acting Planning Director, introduced the item. Currently the Florida Department of Transportation has temporary business signs along state roads; however, the Miami Beach City Code does not have the same type of temporary business sign ordinance, so this basically creates the ability for the City to do these types of temporary business signs on the City roadways.

Handouts and Reference Materials:

1. Ad in The Miami Herald – Ad # 854

10:36:07 a.m.

R5D Accessory Setback Encroachments

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 IV, "Supplementary District Regulations," Section 142-1132, "Allowable Encroachments Within Required Yards," To Modify The Setbacks For Allowable Encroachments Including Driveways, Carports And Mechanical Equipment; And By Amending Section 142-1133, "Swimming Pools," To Modify The Setback Requirements For Swimming Pools And The Requirements For The Construction Of Swimming Pools On Corner And Thru Lots Within Single Family Districts; Providing For Codification; Repealer; Severability; And An Effective Date. **10:35 a.m. Second Reading Public Hearing**

(Sponsored by the Land Use & Development Committee/
Requested by Former Commissioner Góngora)
(Legislative Tracking: Planning Department)
(Continued from December 11, 2013)

ACTION: Title of the ordinance read into the record. Public Hearing held. **Ordinance No. 2014-3833 adopted.** Motion made by Commissioner Malakoff to approve the ordinance; seconded by Vice-Mayor Weithorn; Ballot vote: 6-0; Absent: Commissioner Wolfson. **Thomas Mooney to handle.**

Sherry Kaplan Roberts stated that she is concerned with this ordinance because it seems that more and more issues are being taken away from the Land Use Boards, especially the Zoning Board. She is an advocate of keeping it with the public rather than giving more responsibilities to the staff.

Thomas Mooney, Acting Planning Director Department, explained that this Ordinance was drafted to address common variances requests that come before the Board of Adjustments. The Ordinance also addresses changes in technology and in the types of fixtures and apparatuses that people will put in their houses. It basically, within the allowable encroachment sections of the Code, modifies what is an allowable encroachment. Under the section of carports, it addresses the current Code's lack of an allowance for a carport for a street sign home, so if the home is on the corner, but the functional entrance is on the street side, carports are not an allowable encroachment, where it would be allowed on their zoning side. Similarly, with air-conditionings and mechanical equipment, currently the Code permits these types of equipment to be located within a required size yard, but limits the height to five feet. This was written before the high-efficiency air conditioning units came on the market and before these types of mechanical equipment were required to be placed so the proposed amendment would allow them to be raised to meet current Code. Concerning swimming pools, it is a modest change to take the setback to the exterior phase of an infinity pool catch basin. When the Code was written, not many people were doing infinity edge pool, but now it is popular and the draining basin required is not an allowable encroachment; this was adjusted so people do not have to get a variance. Finally the Code addresses those particular properties that have two frontages so sometimes you have a single family home that goes from one street to another on smaller lots, technically they have two fronts, so they need a variance in order to put the pool in what is considered their functional rear yard because technically is the front yard. This Ordinance was approved by the City Commission on first reading last May, and it went back to Land Use in October. The item is back before the Commission for second reading and the Administration is recommending its adoption.

Commissioner Malakoff wanted to address Ms. Roberts's concerns. She has reviewed each of the provisions and variances very carefully, they have come repeatedly and taken up a lot of time from the Board of Adjustment and they are always granted. For instance the one with the infinity pools, these pools were not popular. Now they have to do the area around them based on the basin. Commissioner Malakoff is going to move this specific ordinance amendment because she believes it simplifies the Code and makes resident's lives much easier without taking the rights away from the Board of Adjustment.

Handouts and Reference Materials:

1. Ad in The Miami Herald – Ad # 854

10:58:07 a.m.

R5E Single Family Development Regulations

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, Florida, By Amending Chapter 142, "Zoning Districts And Regulations," Division 2, "RS-1, RS-2, RS-3, RS-4 Single-Family Residential Districts," By Amending The Criteria And Procedures For The Review And Approval Of Single-Family Residential Construction, By Replacing The Single-Family Residential Review Panel, By Clarifying And Amending The Standards And Procures For Reviewing New Construction And Additions In Single Family Districts, Including Modifications To Lot Coverage, Unit Size And Overall Height, By Clarifying The Below Flood Level Construction Requirements For Affected Properties In High Flood Zones, And By Clarifying Setback And Lot Coverage Requirements; Providing Codification; Repealer; Severability; And An Effective Date. **10:45 a.m. First Reading**

(Sponsored by the Planning Board)
(Legislative Tracking: Planning Department)
(Continued from December 11, 2013)

ACTION: Title of the ordinance read into the record. Public Hearing held. **Ordinance approved on First Reading as is; referred to the Land Use and Development Committee to discuss the amendments needed between first and second reading, and bring back to the February 12, 2014 City Commission Meeting for second reading.** Motion made by Commissioner Grieco to approve the ordinance on first reading and refer it to the Land Use and Development Committee; seconded by Commissioner Wolfson; Ballot vote: 6-1; Opposed: Commissioner Tobin. Second reading and Public Hearing scheduled for February 12, 2014. **Rafael E. Granado to notice.** Lilia Cardillo to place on the Commission Agenda when received. **Thomas Mooney to place on the committee agenda and to handle.**

Pursuant to Section 2-13 of the Code, motion made by Vice-Mayor Weithorn to accept the Planning Board's recommendation of this Ordinance; seconded by Commissioner Steinberg; Voice vote 6-0; Absent: Commissioner Tobin.

TO DO:

Draft an ordinance that will restrict accessory structures so that once they are assembling three lots and building larger homes, they cannot build another little house and call it a pool house seven and a half feet from their neighbors, it needs further setbacks.

Thomas Mooney, Acting Director of the Planning Department, explained that the ordinance itself, which has been endorsed by the Planning Board, while it looks large and bulk, does a couple of things: 1) It cleans up and clarifies what the regulations for single family homes are; 2) Currently

there are no limits on lot aggregation in the current Code. One of the things suggested in the proposed ordinance is to limit lot aggregation to no more than three lots, and if there is going to be a third lot, that a good portion of that lot be used mainly for outdoor type activity or more passive activities. Concerning lot coverage, the proposed ordinance would limit lot coverage to 30% across the board, with no ability for DRB to increase that; 3) One of the recommendations in this ordinance would be to limit the second floor to no more than 70% of the size of the first floor. He explained that what is being proposed is to establish the height limit as measured from finished floor or base floor elevation, so that regardless of what the minimum floor elevation is, one would get the same type of floor ceiling height that any other homeowners would get. He explained rooftop and allowable height exceptions; the proposed ordinance would limit that to no more than 25% of the total roof, and would also require that the roof deck be set back from the interior size in the front, as to protect the privacy of adjoining neighbors.

He also gave a detailed update on changes to the Code regarding allowable encroachments and setbacks on rails. Another significant change is with regard to the habitable floors of homes that are required to be more than six feet above grade in order to meet minimum flood elevations. These affect single family homes in Palm and Hibiscus that have very low line areas and are required in some cases to have their finished floors seven or eight feet above sidewalk; what they are seeing is that it is creating this enormous area at the first level, and at times architects have proposed to create large berms and additional floors, although not habitable, and this Code section seeks to clarify that, so that people building homes in those areas, will know what the limitations are. It allows people to use that area that cannot be habitable but can certainly be used for a garage, for a pool deck and those things that do not affect the building code. As it pertains to maximum lot aggregation, Administration suggest that that be further clarified, and with regard to the physical volume of the second floor not exceeding 70% of the first floor; this was designed to make sure the second floor did not take up the entire first floor volume to create a movement. If there was to be some relaxation of that, the Administration suggests the relaxation be limited to homes that are proposing 25% lot coverage or less. In addition, as it pertains to applicability there has been some suggestions that the applicability clause be moved up to the date that the Planning Board transmitted the ordinance to Commission, which is September 24, and the Administration does not have a problem with that.

Discussion continued regarding process duration.

Mr. Mooney, in answering Mayor Levine's question, explained that the Department convened focus groups and received a lot of feedback from architects and engineers, homeowners and real estate developers was received as well. There appeared to be consensus on what was done. He recognized Michael Belush and the entire Planning staff.

Mayor Levine thanked Mr. Mooney for the detailed presentation and stated that the goal is to stop the proliferation of big mansions.

Vice-Mayor Weithorn stated that Mr. Mooney did a great job presenting and now she does not have to discuss too much. She added that this is a very good start, but it needs some tweaking and discussion on items that need agreement. She added that she checked with the Legal Department, and asked for the record, that if in the event some of the items are relaxed in order to make some of the requirements more homogenous; that it will not require two readings.

Jose Smith, City Attorney, stated if that is the case, it may go to Second Reading, and will not require another First Reading.

Vice-Mayor Weithorn requested a concurrent referral to the Land Use and Development Committee. She explained that she is in favor sending it as is with a dual referral to the Land Use and Development Committee, and they will not have to schedule a special meeting to discuss it. It is important that the new Commissioners get a chance to ask their questions.

Discussion held.

Motion No. 1:

Motion made by Commissioner Wolfson to go to a second reading without a concurrent referral to the Land Use Development Committee; seconded by Mayor Levine. No vote taken.

Commissioner Malakoff is very aware of this ordinance and she has discussed it at length with Mr. Mooney. She added that the tweaks need to be available to the Commission and the public prior to second reading. Every change must be seen in writing. She is in favor of the motion, but had discussed with Mr. Mooney a separate ordinance that will restrict accessory structures so that once they are assembling three lots and building larger homes, they cannot build another little house and call it a pool house seven and a half feet from their neighbors, it needs further setbacks. **City Attorney's Office and Thomas Mooney to handle.**

Discussion continued.

Commissioner Tobin explained that they are taking property rights away to prevent "Mac Mansions," but the question is if this really prevents "Mac Mansions." He suggested that they go around the City and take pictures of some of the houses in question, analyze them and see where the City went wrong. He wanted to know if what they are doing will achieve the objective.

Motion:

Motion made by Commissioner Grieco to pass it on first reading as is, and in the interim refer it to the Land Use and Development Committee to address the potential changes needed and bring it back in February for a second reading; seconded by Commissioner Wolfson. Ballot vote: 6-1. Opposed: Commissioner Tobin.

Discussion continued regarding zoning in progress, which ends February 24.

Vice-Mayor Weithorn thanked the members of the Planning Board because this was the most thoughtful discussion she has seen the Planning Board have in a long time.

Handouts or Reference Materials:

1. Email with attachment from Beth Dunlop, dated January 15, 2014, entitled Single Family Homes/Neighborhoods.

11:25:06 a.m.

R5F Architecturally Significant Single Family Home Retention Incentives
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 2, "Single-Family Residential Districts," By Revising The Standards And Review Requirements For New Construction, Additions And Modifications To Properties That Contain An Architecturally Significant Single Family Home Not Located Within A Designated Historic District; Providing For Repealer, Codification, Severability And An Effective Date. **11:00 a.m. First Reading**

(Sponsored by the Land Use & Development Committee/
Requested by Former Mayor Bower)
(Legislative Tracking: Planning Department)
(Continued from December 11, 2013)

ACTION: Title of the ordinance read into the record. **Ordinance approved on First Reading.** Motion made by Commissioner Malakoff to approve the ordinance on first reading as is with the Administration's recommendations; seconded by Commissioner Steinberg; Ballot vote: 6-1; Opposed: Vice-Mayor Weithorn. **Second reading and Public Hearing scheduled for February 12, 2014. Rafael E. Granado to notice.** Lilia Cardillo to place on the Commission Agenda when received. **Tom Mooney to handle.**

Pursuant to Section 2-13 of the Code, motion made by Commissioner Grieco to accept the Land Use and Development Committee's recommendation of this Ordinance; seconded by Commissioner Tobin; Voice vote 6-1; Opposed: Vice-Mayor Weithorn.

Thomas Mooney, Acting Planning Department Director, explained that currently the City has a procedure in place for new construction on single-family lots where a pre-1942 home exists, and if they seek approval to demolish the home they have to go in front of DRB in order to build the new construction. Unfortunately, there are not a lot of incentives for people to retain that home. This Ordinance started in Land Use and it has been endorsed by the Planning Board, and it would set forth a number of voluntary incentives should someone elect to retain and preserve either their pre-1942 home or if the home is eligible and was built between 1942 and 1966. The only recommendation the Administration is making is that the Planning Board recommended a sliding scale be applied for new construction in terms of lot coverage that would potentially reduce the lot coverage for new homes. The Administration is not recommending in favor of that, but is recommending that this language be stricken and that the DRB have the authority to review new construction across the board.

Discussion held.

Motion No. 1:

Vice-Mayor Weithorn stated that she likes the Planning Board version of this ordinance. She added that a homeowner should get less if they tear something significant and moved the ordinance that way. No second offered.

Discussion continued.

Commissioner Malakoff stated that there should be a level plain field in the City of Miami Beach. A homeowner should not have a disincentive to demolish his home and build what is appropriate for the family just because the home was built prior to 1942. She does not think this is fair.

Mayor Levine agrees with Commissioner Malakoff.

Discussion continued.

Motion No. 2:

Motion made by Commissioner Malakoff to approve the ordinance with the Administration's recommendations; seconded by Commissioner Steinberg; Ballot Vote: 6-1; Opposed; Vice-Mayor Weithorn.

11:32:39 a.m.

R5G Alton Road Historic District Buffer Overlay

An Ordinance Amending The Code Of The City Of Miami Beach, Florida, By Amending Chapter 142, "Zoning Districts And Regulations," Article III, "Overlay Districts," Creating Division 8 "Alton Road - Historic District Buffer Overlay," By Including Section 142-858 "Location And Purpose," And Section 142-859 "Development Regulations," Including Among Other Provisions Regulations On Maximum Floor Area Ratio; Maximum Building Height; Minimum Setbacks; Building Separation; Demolition Or Additions To Contributing Buildings In An Historic District; And Land Use Regulations For Location Of Retail Uses, Restaurants, Bars, Entertainment Establishments, Alcoholic Beverage Establishments And Similar Uses; Requiring Conditional Use Approval Of Such Uses In Excess Of 10,000 Sq. Ft.; And Prohibiting Alcoholic Beverage And Entertainment Establishments In Open Areas With Exceptions As Prescribed In The Ordinance; Providing For Codification; Repealer; Severability; And An Effective Date. **11:15 a.m. First Reading Public Hearing**

(Sponsored by the Land Use & Development Committee)

Requested by City Commission)

(Legislative Tracking: Planning Department)

(Continued from December 11, 2013)

ACTION: Title of the ordinance read into the record. **Ordinance approved on First Reading with the Administration's recommendations.** Motion made by Commissioner Steinberg to approve the ordinance on first reading with the Administration's recommendations; seconded by Mayor Levine; Ballot vote: 6-1; Opposed: Commissioner Tobin. Second reading and Public Hearing scheduled for February 12, 2014. **Rafael E. Granado to notice.** Lilia Cardillo to place on the Commission Agenda when received. **Thomas Mooney to handle.**

Pursuant to Section 2-13 of the Code, motion was made by Commissioner Malakoff to accept the Land Use and Development Committee's recommendation, as to fit the Administration's recommendation of this Ordinance; seconded by Commissioner Steinberg; Voice vote 6-1; Opposed: Commissioner Tobin.

Thomas Mooney, Acting Planning Department Director, explained that the purpose of the ordinance is to minimize the impact of development along Alton Road on residential properties located in Flamingo Park and the Palm View Historic District. The regulations were intended to achieve a more compatible relationship of scale and massing between the Alton Road corridors and adjoining residential properties. Administration recommends approval on first reading. The one change recommended is to remove proposed Section 142-859(a), which consists of the proposed removal of the current 0.5 FAR bump up or mixed-use projects, but Administration has recommended that the current FAR of 0.5 be retained. He explained modifications to setbacks,

minimum building separation requirements, provisions for contributing buildings located within the Historic District, and entertainment uses prohibitions.

Discussion held.

Commissioner Tobin asked what the reason is for wanting mixed use in projects.

Mr. Mooney explained the benefits, such as allowing people to live near where they are going out socially; it allows them to live near where they work and to live in areas where there is more mass transit.

Discussion continued.

Mayor Levine stated that the overall goal is to have Alton Road be a thriving road with retail, restaurants, outdoor cafes and residential; mixed use brings livelihood to the area.

Commissioner Tobin stated that they capped this in terms of a buffer to protect a large neighborhood, and it seems to him that is actually a buffer to the abutting property owners. He cannot see how this protects. Years ago, they decided to add these properties to make them historic in the Historic District, with the idea that if someone builds, they would have to go through HPB to get a better design. It seems to him that this ordinance today, although is capped in terms of providing a buffer to the Historic District, what it really does is that there are people that have bought behind commercial properties and now they have an opportunity to restrict those landowners that have owned this commercial property, and restrict what is done on the commercial side for their abutting benefit. The line has been drawn to make this about protecting the Historic District, but in actuality, it is protecting the various groups. He agrees that they restrict certain uses and thinks they ought to have consideration in setbacks, but to do a lot more than that is unfair and not warranted.

Mayor Levine explained that there are people that may have owned homes for many years, and there are commercial properties there; he thinks that staff is recommending respecting the quality of life of the neighborhood, including the residents that live behind them, but to do it in a way that is not causing pain or inflicting economic loss on the owner of a commercial property or developer; they are asking for courtesy on the design so the quality of life of everyone is respected.

Motion made by Commissioner Steinberg to approve the ordinance with the Administration's recommendations; seconded by Mayor Levine; Ballot vote: 6-1; Opposed: Commissioner Tobin.

12:02:08 p.m.

R5H An Ordinance Amending Chapter 10 Of The Miami Beach City Code, Entitled "Animals," By Amending Section 10-11, Entitled "Running At Large Prohibited," By Extending The Pilot Program Off-Leash Area For Dogs In South Pointe Park Through And Including April 30, 2014; Providing For Repealer; Severability; Codification; And An Effective Date. **11:30 a.m. Second Reading Public Hearing**

(Sponsored by Neighborhood/Community Affairs Committee)
(Legislative Tracking: Parks & Recreation)
(First Reading on December 11, 2013)

ACTION: Title of the ordinance read into the record. Public Hearing held. **Ordinance No. 2014-3834 adopted.** Motion made by Vice-Mayor Weithorn to approve the ordinance; seconded by Commissioner Grieco; Ballot vote: 7-0. **Thomas Mooney to handle.**

Vice-Mayor Weithorn seeing no public input explained that the Commission did such a good job last month obtaining public input that she is moving the item.

John Rebar, Parks and Recreation Director, introduced the item. At the last Commission meeting, he received clear direction. He immediately met with the architect who is working on the mediation for South Pointe Park, this will be part of that ITB; the ITB is due for return by February 10.

As identified at the last meeting, the City is moving the off-leash dog area to that triangle in the front area, north of where it is now, away from the lighthouse sculpture, and in that plan they will make design elements that will lend to a dog park, for example water, benches, etc.

11:48:02 a.m.

R5I Historic Designation

An Ordinance Amending The Land Development Regulations Of The Miami Beach City Code; By Amending Section 118-593(e), Entitled "Delineation On Zoning Map" By Designating 42 Star Island Drive As A Local Historic Site To Be Known As "42 Star Island Local Historic Site," Located On Star Island, As More Particularly Described In The Ordinance; Providing That The City's Zoning Map Shall Be Amended To Include 42 Star Island As A Local Historic Site; Adopting The Designation Report Attached To The Staff Report As Appendix "A"; Providing For Inclusion In The Land Development Regulations Of The City Code; Repealer; Severability; And An Effective Date. **First Reading**

(Sponsored by the Planning Board/Requested by MDPL)
(Legislative Tracking: Planning)

ACTION: Title of the ordinance read into the record. Public Hearing held. **Ordinance Rejected.** Motion made by Commissioner Malakoff to approve the staff's recommendation which is that the proposed Ordinance not be approved and that the property at 42 Star Island not be designated as an individual local historic site; seconded by Commissioner Wolfson; **There will not be a second reading.** Ballot vote: 7-0. **Thomas Mooney to handle.**

TO DO:

Establish a process so situations like this one do not occur in the future.

Kent Harrison Robbins, Esq., representing the Miami Design Preservation League, explained that 42 Star Island has been acknowledged by Planning staff as a landmark. It is extraordinary and highly visible and it has been recognized worldwide. The Historic Preservation Board (HPB) after discussion unanimously recommended historic designation of the site. The matter is in court, and there is a determination to be made by the courts as certain rights of property owners have or do not have on the site. The Planning Board did not consider a historic designation criteria, but in legal estoppel issues, made a determination contrary to the HPB and recommended against the designation; not on the principle of historic designation, but on the issue of whether or not there should be special equitable rights. MDPL feels that this building does meet historic criteria, and this Commission should designate it, and the issue of the equitable estoppel be determined by the court. A vote against, will open the door and allow demolition of this property, and he urged designating this site historic.

Mayor Levine asked the City Attorney for an update on this issue.

11:51:59 a.m.

Jose Smith, City Attorney stated that the appeal that Mr. Robbins is involved in is an appeal from the Design Review Order allowing the demolition and replacement of this home. This is separate from and independent from any action this Commission may take today regarding this particular house. The City Commission may proceed to do what they want to do. They will be voting to either approve the designation report and the recommendation of the Historic Preservation Board, or vote in favor of the Administration's recommendation, which is not to do it.

Discussion held.

Jose Smith, City Attorney, explained that if there is an appeal, if any, it would be at the Circuit Court.

11:53:18 a.m.

Gary Held, First Assistant City Attorney, corrected a point made by Mr. Robbins that a vote against this designation will result in demolition of the property; he clarified that demolition of the property is contingent upon the affirmation of the Design Review Board order that is on appeal, and until the appeal is resolved, no demolition order will be issued, unless there is another administrative decision made.

Discussion continued.

Kent Harrison Robbins, Esq., urged that the site be designated.

Discussion continued.

Michael Larkin, Esq., stated that there never has been an involuntary designation to a single family home; this is grossly unfair to the Hochsteins after the purchase of the property and while they are in the middle of Design Review process, and is grossly unfair to try to change the rules of the game in the middle of the game. He respectfully suggested that they reject this proposal.

Discussion continued.

Thomas Mooney, Acting Planning Department Director, explained that the recommendation made by staff was based on the following: 1) It was not an application for a single family homeowner;

2) There is a procedure for single family homes adopted for the demolition of pre-1942 homes; this owner did follow that procedure and followed the rules; and 3) Because this property is only one site within a larger island of homes and is located at four feet minimum flood elevation, it was hard for them to recommend that the owner be forced to protect a home that could potentially create flooding problems at a later date. In answering Vice-Mayor Weithorn's question, he explained that it is important for the City Commission to retain the flexibility to designate a home over a property owner's wish if it arose to an extraordinary high degree of either architecturally significance or social significance, for example, Carl Fisher's first mansion. This property did not really rise to that level.

Commissioner Wolfson thinks it is unfair singling out a specific property.

Commissioner Tobin stated that for him this is the toughest decision to be made today, land-use wise, and asked in the future, how do they avoid waiting to the last minute when someone needs action on a home and they have to jump in and have a situation. He requested that there needs to be a process. **Thomas Mooney to handle.**

Motion:

Motion made by Commissioner Malakoff not to recommend approval of the designation and to accept the staff's recommendation, which is that the proposed Ordinance not be approved and that the property at 42 Star Island not be designated as an individual local historic site; seconded by Commissioner Wolfson; Ballot vote: 7-0.

Rafael E. Granado, City Clerk, stated that there would not be a second reading.

Handout or Reference Materials:

1. Email from Gary Held dated January 16, 2014 RE: 42 Star HP Decision.

3:08:21 p.m.

R5J RM-2 Hotel Office Uses

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 3 "Residential Multifamily Districts," Subdivision IV "Residential Multifamily, Medium Intensity," Section 142-212, "Main Permitted Uses," To Expand The Allowable Uses In The RM-2 District To Include Certain Types Of Office Uses That Are Associated With Nearby Hotels On Collins Avenue; Providing For Repealer; Severability; Codification; And An Effective Date. **First Reading**

(Sponsored by Vice-Mayor Deede Weithorn)
(Legislative Tracking: Planning)

ACTION: Title of the ordinance read into the record. Public Hearing held. **Ordinance approved on First Reading.** Motion made by Vice-Mayor Weithorn to approve the ordinance on first reading; seconded by Commissioner Malakoff; Ballot vote: 7-0. Second reading and Public Hearing scheduled for March 5, 2014. **Rafael E. Granado to notice.** Lilia Cardillo to place on the Commission Agenda when received. **Thomas Mooney to handle.**

Thomas Mooney, Acting Planning Director, stated that because this changes the permitted uses, second reading will require a thirty-day notice, and he is not sure if there is enough time to do a 30-day notice.

Rafael E. Granado, City Clerk, recommended a March second reading. Vice-Mayor Weithorn agreed.

Mr. Mooney explained that the ordinance itself changes the allowable uses in the RM-2 District for that area of Collins Avenue from 23rd Street to 44th Street, and allows offices in those properties across the street and within 1,200 feet of hotels in the RM-3 District. The purpose of the ordinance is to allow some flexibility for back house office space to be relocated from larger hotels that have more valuable room space, to these smaller hotels where the room space is not quite as valuable. The Planning Board endorsed the measure and recommended approval on November 19, and the administration recommends approval of the ordinance as is.

Motion made by Vice-Mayor Weithorn to approve the item; seconded by Commissioner Malakoff; Ballot vote: 7-0.

3:12:52 p.m.

R5K An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 54, Entitled "Floods," By Amending Article II, Entitled "Floodplain Management," By Amending Division 1, Entitled "Generally," By Amending Section 54-35, Entitled "Definitions" By Amending The Definition Of "Substantial Improvement" To Apply To Improvements Taking Place During A One Year Period Instead Of During A Five Year Period; And Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading**

(Sponsored by Commissioner Joy Malakoff)

(Legislative Tracking: Building)

ACTION: Title of the ordinance read into the record. Public Hearing held. **Ordinance approved on First Reading.** Motion made by Vice-Mayor Weithorn to approve the ordinance on first reading; seconded by Commissioner Malakoff; Ballot vote: 7-0. Second reading and Public Hearing scheduled for February 12, 2014. **Rafael E. Granado to notice.** Lilia Cardillo to place on the Commission Agenda when received. **Mariano Fernandez to handle.**

Stephen Scott, Assistant Building Director, stated that this is a relatively simple change to the City's floodplain ordinance that changes what is commonly known as the 50% rule, which currently goes back five years for the purposes of calculation, and which they are recommending that be changed to one year, to basically encourage renovation and discourage allowing properties to remain dilapidated.

4:12:04 p.m.**R5L Height Restrictions Adjacent To Single Family Districts**

An Ordinance Amending The Code Of The City Of Miami Beach, Florida By Amending Chapter 142, "Zoning Districts And Regulations," Article IV, "Supplementary District Regulations," Division 5, "Height Regulations," By Creating Section 142-1162, "Height Restrictions Adjacent To Single Family Zoning Districts," To Establish Maximum Height Regulations For Any Non-Single Family Property Located Within 150 Feet Of A Single Family Zoning District; Providing For Codification; Repealer; Severability; Applicability; And An Effective Date. **First Reading**

(Sponsored by the Land Use & Development Committee)

Requested by Former Commissioner Góngora)

(Legislative Tracking: Planning)

ACTION: Title of the ordinance read into the record. **Ordinance rejected.**

Thomas Mooney, Acting Planning Director, explained that the ordinance creates a buffer zone between properties that are zoned for multi-family and commercial, and are within 150 feet of a single-family district. The ordinance was proposed by the LUDC, and it allows for developers to have a better understanding of the importance of scale, mass and height in certain areas, and it would allow for neighbors to have some expectation that the new development would have to follow a specific set of rules and criteria. He explained the height requirements and explained that the Design Review or Historic Preservation Boards would have the authority to waive. He added that there are exceptions proposed as drafted by the Planning Board, one for contributing buildings in local Historic Districts, which are being retained, would not have to comply with this requirement. Additionally, architectural significant buildings that are being retained or preserved, would not have to comply with this requirement. Administration has been supportive of the proposed ordinance through the planning review process; however, the Planning Board did not reach the same conclusion and is recommending that the City Commission not approve the proposed ordinance.

Commissioner Malakoff stated that the Administration is correct and believes that this should be on a case-by-case basis, and covered by the Design Review Board and the Historic Preservation Board, whichever is applicable, because this cannot be set across the entire City, and one size does not fit all.

Discussion held.

No motion or vote taken. The ordinance dies.

4:18:23 p.m.**R5M Sidewalk Café Distance Separation Requirements**

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 82, "Public Property," Article IV, "Uses In Public Rights-Of-Way," Division 5, "Sidewalk Cafes," Subdivision II, "Permit," Section 82-385, "Minimum Standards, Criteria, And Conditions For Operation Of Sidewalk Cafes," To Create A Required Distance Separation Of 100 Feet From Residential Districts And By Modifying The Operational Requirements Of Sidewalk Cafes; Providing For Repealer, Codification, Severability And An Effective Date. **First Reading**

(Sponsored by the Land Use & Development Committee/
Requested by Former Commissioner Góngora)
(Legislative Tracking: Planning)

ACTION: Title of the ordinance read into the record. **Ordinance rejected.**

Thomas Mooney, Acting Planning Director, stated that the ordinance sets a 100-foot radius for the new rules to apply; within that distance there will be no outdoor speakers, alcohol beverages would only be permitted when served in conjunction with food services and the hours of operation would not extend past 12 midnight seven days a week. There is a section on nonconforming sidewalk cafes that would become nonconforming pursuant to a date determined by the Commission. There are exceptions for some cafes located in close proximity to certain districts. The Planning Board reviewed the ordinance in October and recommended that it not be approved. Administration suggests that some changes be made, if approved, including that the Planning Board waiver be eliminated and hour extensions and nonconforming sections be stricken.

No motion or vote taken. The ordinance dies.

4:21:53 p.m.**R5N Mechanical Parking Systems**

An Ordinance Amending The Land Development Regulations Of The City Code By Amending Chapter 130 "Off-Street Parking," Article II "Districts, Requirements," Section 130-38, "Mechanical And Robotic Parking Systems," By Modifying The Requirements For Mechanical Parking Devices And Robotic Parking Systems; Providing For Repealer; Codification; Severability And An Effective Date. **First Reading**

(Sponsored by the Land Use & Development Committee)
(Legislative Tracking: Planning)

ACTION: Title of the ordinance read into the record. **Ordinance approved on First Reading.** Motion made by Commissioner Malakoff to approve the ordinance on first reading; seconded by Vice-Mayor Weithorn; Ballot vote: 7-0. Second reading and Public Hearing scheduled for February 12, 2014. **Rafael E. Granado to notice.** Lilia Cardillo to place on the Commission Agenda when received. **Thomas Mooney to handle.**

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

Thomas Mooney, Acting Planning Director, explained that the ordinance proposes to amend the

existing mechanical parking system ordinance. When the original mechanical parking ordinance was put into place in 2008, there was a requirement that if one were going to use mechanical parking systems to satisfy required off street parking, two sets of plans were needed to be provided; one to show the parking requirements in a conventional method, without mechanical parking, and the second to show how to meet the parking with the mechanical parking and he explained the reason for this was to avoid over intensification of the site. He added that one of the suggestions that came out of Land Use & Development Committee and one of the suggestions in the ordinance is that if somebody is going to propose to use below grade parking as part of the conventional scheme that at least half of the parking for the project also include below grade parking. The second part of the ordinance that addresses some of what they found was deficient after the first ordinance was adopted, was the requirements pertaining to accessory uses. They are recommending, as part of any approval, that in section 130-38 (5)(b), that the requirements that the minimum dimensions of any type of lift; (in this instance they recommend that the minimum of 8 feet by 16 feet to cover the bottom of the vehicle on a flat form) be eliminated. They are also and recommending that (f) and (g) be eliminated because those overlap with Building Code requirements which tend to evolve over time and they do not want this to be outdated as the Code changes.

Commissioner Malakoff stated that she was on the Planning Board when they activated the ground floor and it was so successful, and now is limited to a certain extent. She fought against the parking lifts for years because of what they are doing now. It increased the potential of overdevelopment. They can add more units because they can have more cars by doing the mechanical lifts and they have been abused; so she is very much in favor of what is being done. She wishes she could get rid of them.

Discussion held.

4:28:58 p.m.

R50 MBERP For GSAF

An Ordinance Implementing Provisions Of The 2012-2015 Collective Bargaining Agreement Between The City And The Government Supervisors Association Of Florida, OPEIU, Local 100 (GSAF); Amending The Miami Beach Employees' Retirement Plan Created By Ordinance 2006-3504; Amending Section 2.26 Of The Plan By Extending The Deferred Retirement Option Plan (DROP) Program From Three (3) To Five (5) Years For Eligible Members; Amending Section 5.13 To Reflect Amended Eligibility And Participation Requirements And Amended DROP Plan Features; Amending Section 4.03 By Eliminating The Purchase Of Additional Creditable Service For Certain Members; Amending Section 6.03 Requiring The City To Contribute At Least The Normal Cost To Pension Each Year, Requiring An Experience Study At Least Every Three (3) Years And Requiring Five (5), Ten (10) And Twenty (20) Year Projections Of Required Pension Contributions As Part Of The Annual Actuarial Valuation; Providing For Severability; Repealing All Ordinances In Conflict Therewith; And Providing An Effective Date. **First Reading**

(Sponsored by Commissioner Deede Weithorn)
(Legislative Tracking: Human Resources)

ACTION: Title of the ordinance read into the record. **Ordinance approved on First Reading.** Motion made by Vice-Mayor Weithorn to approve the ordinance on first reading; seconded by Commissioner Wolfson; Ballot vote: 7-0. Second reading and Public Hearing scheduled for February 12, 2014. **Rafael E. Granado to notice.** Lilia Cardillo to place on the Commission Agenda when received. **Sylvia Crespo-Tabak to handle.**

Kathie G. Brooks, Assistant City Manager, explained that this item implements the pension provisions of the contract that they ratified with the GSA Union in October 2013, as well as implements policies recommended by the Budget Advisory Committee. In terms of the pension changes, benefit changes with GSA, there were three main changes: 1) extends the ability for the deferred program (DROP) from three to five years. That has an estimated year one savings of \$30,000, which does not seem like much, but across all the general employees bargaining units and unclassified is about \$600,000. It also eliminates the ability to buy back up to two years of service using an equivalent amount of 10% of the salary for each year of service. Again, it does not seem to have a major impact because the plan does not build it into the assumptions and recognizes it as a loss, but the loss incurred is \$26,000 for each employee that buys back, and 157 employees on average have bought back.

Motion made by Vice-Mayor Weithorn to move the item; seconded by Commissioner Wolfson; Ballot vote: 7-0.

R5P Fire And Police Pension Ordinance

An Ordinance Amending Part I, Subpart B, Article IX, Related Special Acts, Of The Miami Beach City Code Entitled "Pension System For Disability And Retirement Of Members Of Police And Fire Departments"; Implementing Provisions Of The 2012-2015 Collective Bargaining Agreements Between The City And Fire Fighters Of Miami Beach, (IAFF) Local 1510, And Miami Beach Fraternal Order Of Police, William Nichols Lodge No. 8 (FOP); Implementing Recommendations Of The Budget Advisory Committee, A Memorandum Of Understanding And Other Changes; Amending Section 63 Entitled "Source Of Monies For Fund; Computation Of Liability; Use And Investment Of Fund"; "Service Record"; And Amending Section 66 Entitled "Service And Disability Benefits Generally"; Providing For Severability; Repealing All Ordinances In Conflict Therewith; And Providing For An Effective Date. **First Reading**

(Sponsored by Commissioner Deede Weithorn)

(Legislative Tracking: Human Resources)

ACTION: Item withdrawn.

4:09:18 p.m.

R5Q Talmudic University - RM-2 Heights

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," Subdivision IV, "RM-2 – Residential Multifamily, Medium Intensity," Section 142-217, "Area Requirements," To Modify The Requirements For Maximum Building Height And Maximum Number Of Stories Within The RM-2 District Along Alton Road Between Arthur Godfrey Road And West 34th Street; Providing For Codification; Repealer; Severability; And An Effective Date. **First Reading**

(Sponsored by the Land Use and Development Committee)

(Legislative Tracking: Planning)

ACTION: Title of the ordinance read into the record. **Ordinance approved on First Reading.** Motion made by Commissioner Malakoff to approve the ordinance on first reading; seconded by Commissioner Tobin; Ballot vote: 7-0. **Second reading and Public Hearing scheduled for February 12, 2014. Rafael E. Granado to notice.** Lilia Cardillo to place on the Commission

Agenda when received. **Thomas Mooney to handle.**

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

Thomas Mooney, Acting Planning Director, explained that this is a request to put forth to modify the height requirements in the R2 district. It would create an area that comprises the Talmudic University site currently, and that zoning district the maximum building height limitation is six stories, 60 feet. The existing building on site is almost 72 feet in height, and the new structure proposed as part of the university expansion is closer to eight stories (85 feet), and so this went to the Planning Board. The Planning Board and Administration recommend its approval.

Discussion held.

4:00:04 p.m.

R5R 4000 Alton Road - Talmudic University FLUM Amendment And Zoning Map Change

1. Talmudic Site - FLUM Change

An Ordinance Amending The Future Land Use Map Of The Comprehensive Plan By Changing The Future Land Use Category For Parcels Of Land Adjacent To What Is More Commonly Known As The "Talmudic University," More Particularly Described In The Legal Description Attached As Exhibit "A" Hereto, From The Current ROS, "Recreation And Open Space," To The Future Land Use Category Of RM-2, "Residential Multifamily Medium Intensity;" Providing For Inclusion In The Comprehensive Plan, Transmittal, Repealer, Severability And An Effective Date. **First Reading**

(Sponsored by the Land Use and Development Committee)

ACTION: Title of the ordinance read into the record. Item opened and continued and heard in conjunction with R5R2. Motion made by Commissioner Malakoff to open and continue the item until March 5, 2014; seconded by Mayor Levine; Voice vote: 7-0. **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 made by Commissioner Malakoff to accept the Land Use and Development Committee's recommendation of this Ordinance; seconded by Vice-Mayor Weithorn; Voice vote 7-0.

Thomas Mooney, Acting Planning Director, explained that the first request by the Talmudic University, who is making this request in order to accommodate the purchase of surplus FDOT land for University expansion, is to rezone the property from GU to RM-2. That can be approved on first reading today and second reading can be held in March. The second request, concurrent to that, is an amendment to the Future Land Use Map to change from recreation and open space again to RM-2. The Planning Board was in favor of this particular proposal and voted to transmit it with a favorable recommendation on December 17, and the Administration would recommend that it move forward for second reading, and both would require a 30-day notice.

Discussion held.

Rafael E. Granado, City Clerk, asked for a motion to open and continue the item.

Motion made by Commissioner Malakoff to open and continue the item to March 5, 2014; seconded by Mayor Levine: Voice vote: 7-0. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda if received. **Thomas Mooney to handle.**

4:02:38 p.m.

2. Talmudic Site - Zoning Map Change

An Ordinance Amending The Official Zoning District Map, Referenced In Section 142-72 Of The Code Of The City Of Miami Beach, Florida, By Changing The Zoning District Classification For Parcels Of Land Adjacent To What Is More Commonly Known As The "Talmudic University," More Particularly Described In The Legal Description Attached As Exhibit "A" Hereto, From The Current Zoning Classification GU, "Government Use District," To The Proposed Zoning Classification RM-2, "Residential Multi-Family Medium Intensity," Providing For Codification, Repealer, Severability And An Effective Date. **First Reading**

(Sponsored by the Land Use and Development Committee)

ACTION: Title of the ordinance read into the record. See action with R5R1. **Ordinance approved on First Reading.** Motion made by Commissioner Malakoff to approve the ordinance on first reading; seconded by Mayor Levine; Ballot vote: 6-0; Absent: Commissioner Wolfson. Second Reading and Public Hearing scheduled for March 5, 2014. **Rafael E. Granado to notice.** Lilia Cardillo to place on the Commission Agenda if received. **Thomas Mooney to handle.**

See Action with R5R-1.

3:15:10 p.m.

R5S An Ordinance Amending Chapter 2 Of The City Code, Entitled "Administration," By Amending Article III, Entitled "Agencies, Boards And Committees" To Streamline The City's Boards By Expanding The Powers, Duties And/Or Membership Of Certain Agencies, Boards And Committees And Abolishing Those That Are Superseded By The Enhanced Agencies, Boards, And Committees; Providing For Repealer, Severability, Codification, And An Effective Date.

First Reading

(Sponsored By Commissioner Joy Malakoff)

(Legislative Tracking: City Attorney's Office)

ACTION: Title of the ordinance read into the record. **Ordinance approved on First Reading and referred.** Motion made by Commissioner Grieco to approve the ordinance on first reading, and referred to the Neighborhood/Community Affairs Committee for the issue of the closure of the committees; seconded by Commissioner Wolfson; Ballot vote: 6-1; Opposed: Vice-Mayor Weithorn. Second Reading and Public Hearing scheduled for February 12, 2014. **Rafael E. Granado to notice.** Lilia Cardillo to place on the Commission Agenda if received. **Barbara Hawayek to place on the committee agenda. City Attorney's Office to handle.**

REFERRAL:

Neighborhood/Community Affairs Committee

Mayor Levine suggested the following:

- a) Have a sunset period.
- b) Extend the parking passes.

The sunset period could be three months and the parking pass extended for six months.

Vice-Mayor Weithorn:

Requested legislation that will require a 5/7 vote to add a committee that is not an ad-hoc. **City Attorney's Office to handle.**

Commissioner Malakoff explained that the boards and committees have increased tremendously over the last ten years, and gave examples as to why some of the boards and committees are no longer necessary. **See Exhibit A in the Agenda.**

Discussion held.

Commissioner Steinberg commended Commissioner Malakoff for taking the initiative to streamline the committees, but she requested referring this issue to Neighborhood/Community Affairs Committee between first and second reading.

Vice-Mayor Weithorn asked if this could be deferred to the March City Commission meeting.

Motion No. 1:

Commissioner Wolfson accepted Commissioner Malakoff's presentation 100%. He moved it for first reading and come back for the second reading in February, and in between first and second reading, it can be discussed at committee. No second offered.

Discussion held.

Commissioner Tobin stated that in the 1970's this was done, and since they have so many great residents that want to be involved, he will rather give them a parking pass for a certain amount of time.

Discussion continued.

Commissioner Steinberg stated that this Commission really wants the residents' involvement and it will be done in some manner.

Discussion continued.

Motion No. 2:

Commissioner Grieco agreed with Commissioner Malakoff, and made a motion to pass the ordinance; seconded by Commissioner Wolfson.

Vice-Mayor Weithorn explained the reason she wanted to await until March. She explained that the cleanup is important, but just as important is limiting the ability for future Commissions to add more committees. She requested a companion piece of legislation to come back next month which requires a 5/7 vote to add a committee that is not an ad-hoc. She suggested that both legislations move together. **City Attorney's office to handle.**

Commissioner Grieco stated that his motion stands, and it already has a second. Discussion continued.

Amendment:

Commissioner Tobin offered an amendment and explained that it is important to have proper adjournment or closing to these committees. He wants these members to have something more than a letter thanking them for their services.

Mayor Levine suggested the following: a) have a sunset period; and b) extend the parking pass. The sunset period could be three months and the parking pass extended for six months.

Discussion continued.

Mayor Levine stated that he does not want to extend this more than three months.

Motion No. 2 as amended:

Motion made by Commissioner Grieco to pass the item as suggested by Commissioner Malakoff; and refer to Neighborhood/Community Affairs Committee to address the closure of those board members.

Vice-Mayor Weithorn stated she has no problem with the motion but she wants to add something to the creation of boards. She will have an independent piece of legislation.

Discussion continued.

Vice-Mayor Weithorn explained that combining CDAC with the Affordable Housing Committee creates a bias to CDBG dollars and she is concerned about that. She added that there needs to be some tweaks and she only disagrees on a couple of the changes proposed.

Commissioner Malakoff stated that she has met with the Legal Department on these changes.

3:40:38 p.m.

R5T An Ordinance Amending Chapter 2 Of The Miami Beach City Code Entitled "Administration," By Amending Article IV Entitled "Officers And Employees," By Amending Section 2-191 Entitled "Enumeration Of Organizational Units," By Creating The Office Of Communications, Office Of Budget And Performance Improvement, Information Technology Department, Procurement Department, Tourism, Culture And Economic Development Department, Planning Department, Office Of Housing And Community Development, And Office Of Capital Improvement Projects; Eliminating The Divisions Under Offices And Departments; And Further Providing Amendments To The Names Of Certain Departments And Offices; Providing For Severability; Repealing All Ordinances In Conflict Therewith; And Providing For An Effective Date.

(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 Malakoff to approve the ordinance on first reading; seconded by Vice-Mayor Weithorn; Ballot vote: 6-0; Absent: Commissioner Grieco. Second Reading and Public Hearing scheduled for February 12, 2014. **Rafael E. Granado to notice.** Lilia Cardillo to place on the Commission Agenda if received. **Sylvia Crespo-Tabak to handle.**

Jimmy L. Morales, City Manager, explained that the City Code requires that departments can only be created by ordinance. Since 1999, not every department has been created by an ordinance, so this is a clean-up item.

4:05:28 p.m.

ADDENDUM MATERIAL 3:

R5U No Wake Zone Ordinance

An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 66, Entitled "Marine Structures, Facilities And Vehicles," By Amending Article II, Entitled "Restricted Wake Zones," By Amending Section 66-43, Entitled "Restricted Areas," By Amending Subsection C Thereof Regarding The Slow Speed, Minimum Wake Zone By Amending The Boundaries Thereof And Amending Area C On The Appendix Thereto; Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading**

(Sponsored by Mayor Philip Levine)

(Legislative Tracking: City Attorney's Office)

ACTION: Title of the ordinance read into the record. Public Hearing held. **Ordinance approved on First Reading.** Motion made by Vice-Mayor Weithorn to approve the ordinance on first reading; seconded by Commissioner Grieco; Ballot vote: 6-0; Absent: Commissioner Wolfson. Second Reading and Public Hearing scheduled for February 12, 2014. **Rafael E. Granado to notice.** Lilia Cardillo to place on the Commission Agenda if received. **City Attorney's Office to handle.**

Jimmy L. Morales, City Manager, introduced the item.

Michael Larkin, Esq., representing the Sunset Harbor Yacht Club, stated that The Coast Guard required that some navigational markers be moved out further in the Miami Beach channel, and they are going to do that. There is a slow speed zone and they asked that it be contracted and go further north on the bridge, so it is reduced in size.

Carter McDowell, Esq., representing Bob Toll, who owns a property in the end of Sunset Island, area and whose seawall is undermined by the wake of the boats coming out of this No Wake Zone and then gunning it, they now have unintentionally created an issue for the people upstream. They would like the opportunity if the regulatory bodies would accept that they look at possibly extending it just pass the end of the Sunset Islands, because he is having it a seawall undermined by the wake of the boats as they go by.

Motion was made by Vice-Mayor Weithorn to approve the Ordinance; seconded by Commissioner Grieco.

Jose Smith, City Attorney, explained that Mr. Carter's request is to be addressed to the State for their approval. The City just cannot arbitrarily take action. He asked that Mr. Carter contact the City Attorney's Office to discuss.

Regular Agenda

R7 Resolutions

1:44:26 a.m.

R7A A Resolution Setting The Dates For The 2014 City Commission Meetings. **Joint City Commission & Redevelopment Agency**
(City Clerk's Office)
(Continued from December 11, 2013)

ACTION: Resolution No. 2014-28467 adopted. Item heard in conjunction with RDA 1A. Motion made by Commissioner Tobin; seconded by Commissioner Grieco; Voice vote: 7-0. **Rafael E. Granado to handle.**

Rafael E. Granado, City Clerk, announced that the Commission Meetings dates to be adopted are as follows:

Commission Meetings	Presentation and Awards
February 12	February 26
March 5	March 12
April 23	April 30
May 21	May 28
June 11	No meeting
July 23	July 30
August - City Commission in recess	
September 10	September 17
October 22	October 29
November 19	November 20
December 17	December 18

Vice-Mayor Weithorn stated that there was agreement that there will be no Presentation and Award meeting in June.

Rafael E. Granado, City Clerk, stated for the record, that all Commission Meetings commencing in February will begin at 8:30 a.m. and the Presentation and Awards Commission Meetings will begin at 5:00 p.m. thereafter.

See also discussion under R9E – Committee of the Whole.

10:23:19 a.m.

R7B A Resolution Approving And Authorizing The Mayor And The City Clerk To Execute Guaranteed Maximum Price (GMP) Amendment No. 1 To The Pre-Construction Services Agreement With QGS Development, Inc., Dated March 20, 2012, For Construction Management At Risk Services For The Par 3 Golf Course Project, In The Amount Of \$4,227,898 Plus A Five Percent Owner's Contingency In The Amount Of \$211,395; For A Total Amount Of \$4,439,293 With Previously Appropriated Funding In The Amount Of \$3,637,975 From Fund 388 - MDC CDT Interlocal-CDT/Resort Fund; \$100,000 From Fund 429 - Stormwater LOC – Reso 2009-27076; \$211,395 From Fund 388 - MDC CDT Interlocal-CDT/Resort Fund; And \$489,923 From Fund 306 – Mid Beach Quality Of Life, Subject To Future Appropriation Through A Capital Budget Amendment To The Capital Budget For Fiscal Year 2013/14 To Be Presented At The January 15, 2014 Commission Meeting.

(Capital Improvement Projects)
(Deferred on December 11, 2013)

ACTION: Resolution No. 2014-28468 adopted. Commissioner Steinberg suggested moving forward but to be mindful of future conflicts, and made a motion to approve the item; seconded by Commissioner Wolfson; Voice-vote: 7-0. **David Martinez to handle.**

Commissioner Wolfson explained that this is something that began with the previous Administration and there is an anticipated maintenance of \$375,000 per year, and that decision-making needs to happen at the front site. He understands that the maintenance for the golf course is going to cost money, and he thinks they should go forward with this.

Vice-Mayor Weithorn was not prepared for the \$125,000 for pro shop; she does not recall ever approving a pro shop in that piece. To run a shop without revenue is something that she has trouble with.

John Rebar, Parks and Recreation Department Director, explained that a “pro shop” is the one person that will staff the golf course, greet the customer, take the fee, monitor the play, it is really a one-person sun up to sun down, seven days a week, 12 hours a day, 7 days a week.

Commissioner Tobin explained that this is interesting in its history; the Par 3 was donated for golf course and the City did a land trade and expanded Public Works Department; neighbors went mad and filed a lawsuit against the City. When they discussed what to do in Par 3, he suggested a passive green space, and over the years has not been well used. Neighbors want a golf course across the street and they believe it has an impact on the cost of their homes. He does not think they need full staffing of this pro shop. He thinks it is important to know the history of it.

Commissioner Steinberg thinks they need to move forward and be mindful for future conflicts. She made a motion to move item; seconded by Commissioner Wolfson; Voice-vote: 7-0.

10:15:00 a.m.

R7C A Resolution Adopting The First Amendment To The General Fund, Enterprise Fund, Internal Service Fund, And Special Revenue Fund Budgets For Fiscal Year (FY) 2013/14. **10:10 a.m. Public Hearing**

(Budget & Performance Improvement)

ACTION: Resolution No. 2014-28469 adopted. Motion made by Vice-Mayor Weithorn; seconded by Mayor Levine; Voice-vote: 6-0; Absent: Commissioner Tobin. **John Woodruff to handle.**

John Woodruff, Budget Director, explained that this is the first amendment to the General Operating fund. There are three main elements to the item: 1) encumbrances items and purchase orders that were encumbered but not spent to roll over to next year's budget; 2) the proposed enhancements that were put on reserve during the budget process and 3) minor reorganization items. An LTC went out recently explaining how they ended up with \$4.7 million surplus in last year's budget, and that is normal. They offset some of that money aside for Building Department future needs, as a good portion of those funds are from building revenues. A reserve of \$1.7 million was created during that budget process.

Vice-Mayor Weithorn stated that it is 1.8% of the budget in surplus, and she does not agree that they should always have a surplus, but this was a good job and commended Assistant City Manager Kathie G. Brooks. In the Building Department there are significant surplus, and they hear many complaints about that Department. She asked how to use those funds the way they are needed to make sure they give the best service. How quickly can they put a system in place to make sure the Building Department issues permits efficiently?

Motion made by Vice-Mayor Weithorn; seconded by Mayor Levine; Voice-vote: 7-0.

Jimmy L. Morales, City Manager, stated that there are enhancements in the budget that were identified, they opened a Building visitor's window in the first floor City Hall, and they will be opening a satellite office in the North Beach area and there is a faster turnaround. They are constantly looking to moving things quickly through the Building Department. The permitting process is also being looked at.

Joe Jimenez, Assistant City Manager, explained that they are bringing to Commission a proposal to simplify the fee ordinance for the building permit, as at times it is incalculable. The Building Department is taking last year's fees and is making an analysis, and if a proposed change is adopted, they want a comparison made to make it easier for resident and developers to understand the fee structure better. This is a priority.

10:20:57 a.m.

10:29:12 a.m.

R7D A Resolution Adopting The Second Amendment To The Capital Budget For Fiscal Year (FY) 2013/14. **10:15 a.m. Public Hearing**
(Budget & Performance Improvement)

ACTION: Resolution No. 2014-28470 adopted. Motion made by Commissioner Malakoff; seconded by Mayor Levine; Voice vote: 7-0. **John Woodruff to handle.**

John Woodruff, Budget Director introduced the item and explained that this item is the capital budget increase for the Par 3 Golf Course, adding money to the Venetian Islands Right of Way Improvement Project with installation of automatic meter readers, City Hall Fourth Floor carpet replacement project and the Convention Center interior repairs.

Commissioner Tobin asked what the total price tag for the Golf Course was. Mr. Woodruff stated that they have \$5.5 million appropriated.

SUPPLEMENTAL 1 - Memorandum

R7E A Resolution Setting Forth An Order [Granting Or Denying] An Appeal Request Filed By Patricia Fuller, Pertaining To A Decision Of The Design Review Board ("DRB") For The Property Located At 1 Washington Avenue - South Pointe Park (File No. 22977). **11:50 a.m. Public Hearing**
(Parks & Recreation/Planning/City Attorney's Office)
(Continued from December 11, 2013)
(Memorandum to be Submitted in Supplemental)

ACTION: No action necessary. Applicant withdrew her application.

3:42:39 p.m.

R7F A Resolution Ratifying A Memorandum Of Understanding Between The City Of Miami Beach And The International Association Of Fire Fighters, (IAFF), Local 1510, Pertaining To Retirement Benefits, In Furtherance Of The 2012-2015 Collective Bargaining Agreement.
(Human Resources)

ACTION: Resolution No. 2014-28471 adopted. Motion made by Vice-Mayor Weithorn; seconded by Commissioner Wolfson; Voice vote: 7-0. **Sylvia Crespo-Tabak to handle.**

Kathie G. Brooks, Assistant City Manager, introduced the item and stated that this item is ratifying a Memorandum of Understanding between the City and IAFF. The three-year contract with the IAFF was ratified by the City Commission on July 19, 2013. After that, bargaining unit members filed an Unfair Labor Practice with the Public Employees Relations Commission; the charge was that the City had changed what they had negotiated. That was later dismissed and the Union later filed a grievance with the same charge. They subsequently sat with the Union bargaining the item and agreed to an MOU providing that any firefighters hired pursuant to a consent decree could retire when some of the members creditable service equal seventy, which would had been the prior provision, and they would have to meet the new requirement of the new age. This needs ratification by the City Commission.

Vice-Mayor Weithorn stated that this applies only to two people, and in efforts for negotiations they missed them and this is a cleanup item. She moved the item.

9:21:57 a.m.

R7G A Resolution Consenting To The Appointment Of Maria Ruiz As The Director Of The Office Of Housing And Community Development For The City Of Miami Beach.
(Human Resources)

ACTION: Resolution No. 2014-28472 adopted. Motion made by Vice-Mayor Weithorn; seconded by Commissioner Grieco; Voice vote: 7-0. **Sylvia Crespo-Tabak to handle.**

Jimmy L. Morales, City Manager, explained that Maria Ruiz has been working for the City for a number of years and has done an outstanding job with the Homeless Outreach Program and CDBG; she has been acting as Interim Director for some time with a Department that has had some issues, and she has worked through some of those issues to his satisfaction. He believes that she should be given the opportunity to lead that Department.

Vice-Mayor Weithorn stated that she has worked with Maria Ruiz in relation to homeless issues, and added that Maria is a valuable employee. The homeless program staff is very dedicated and adores her, which speaks volumes.

Maria Ruiz thanked the City Manager for the opportunity, and specially thanked Kathie G. Brooks for reminding her what true public service is. She also thanked the eighteen employees in her Department that are extraordinary people and dedicated public servants.

Handout or Reference Materials:

Oath

9:24:51 a.m.

R7H A Resolution Consenting To The Appointment Of Hernan D. Cardeno As The Director Of The Code Compliance Department For The City Of Miami Beach.
(Human Resources)

ACTION: Resolution No. 2014-28473 adopted. Motion made by Commissioner Tobin; seconded by Vice-Mayor Weithorn; Voice vote: 7-0. **Sylvia Crespo-Tabak to handle.**

Jimmy L. Morales, City Manager, explained that there were issues with the Code Department some time ago, and previous management asked Mr. Cardeno to come from the Police Department. Mr. Cardeno has been working closely to clean up the Department along with Robert Santos-Alborna. Many changes have been made. Code is currently part of Building Department and the City Manager is suggesting creating Code as a separate department; and as a result, Mr. Cardeno has been acting as the Director of that subgroup, and he has earned the opportunity to work as Director of Code, due to his integrity and transparency. He has committed to the City Manager that he will be 100% dedicated to work in this function and recommends approval of his appointment.

Commissioner Tobin stated that Mr. Cardeno is a person of great integrity with an extensive law enforcement background. The City is lucky to have him and he congratulated him.

Hernan D. Cardeno, Code Department Director, thanked the City Commission and explained that the success of the Code Department is relevant upon his staff.

Handout or Reference Materials:
Oath

9:27:57 a.m.

R7I A Resolution Consenting To The Appointment Of David D. Martinez As The Director Of The Office Of Capital Improvement Projects For The City Of Miami Beach.
(Human Resources)

ACTION: Resolution No. 2014-28474 adopted. Motion made by Vice-Mayor Weithorn; seconded by Mayor Levine; Voice vote: 7-0. **Sylvia Crespo-Tabak to handle.**

Jimmy L. Morales, City Manager, introduced the item. David Martinez has been working in an acting capacity for some time; this Department in the past often did not work with other departments, and even had issues with the community. David has come in and earned the respect of staff and other departments. He has earned the opportunity to work as Director.

David Martinez, CIP Director, thanked the City Manager and staff for their support given over the last several months. He also thanked his staff for their support for the last couple of years, especially since his predecessor left the position; they have put in many hours to complete all the requests.

Handout or Reference Materials:
Oath

9:30:23 a.m.

R7J A Resolution Consenting To The Appointment Of Thomas R. Mooney As The Acting Director Of The Planning Department For The City Of Miami Beach.
(Human Resources)

ACTION: Resolution No. 2014-28475 adopted. Motion made by Commissioner Malakoff; seconded by Mayor Levine; Voice vote: 7-0. **Sylvia Crespo-Tabak to handle.**

Jimmy L. Morales, City Manager, explained that the Planning Department interacts with the public on serious and difficult issues, is service oriented and responsive to applications, and in reviewing some of the issues over time, he believes Tom represents an opportunity as Acting Director to go into the transition. He brings extensive knowledge to the Department, the City and the community. Mr. Mooney's demeanor and professionalism will be an asset to his role. The City Manager recommends his appointment.

Thomas Mooney, Acting Planning Director, thanked the City Manager for the opportunity to lead. He thanked his staff for their support.

Commissioner Wolfson stated that Tom has an extensive knowledge of the City Code, and he shows it repeatedly. He likes the way he works, and is in support of his appointment.

Commissioner Tobin stated that he has asked Planning in the past for things that he never get answers for, and in fairness to Tom, they need to pick a mission and support. He is looking for more than that. Mr. Lorber was also a man of character and integrity with a lot of institutional knowledge. Mr. Mooney has a big mission ahead and he needs to tap at different skill set.

Commissioner Malakoff stated that she has worked with Tom for the past 21 years and he understands planning and the importance of urban planning in the City. She added that he will do a great job.

Handout or Reference Materials:

Oath

4:32:16 p.m.

R7K A Resolution Approving And Authorizing The City Manager To Recapture And Reallocate \$748,477 Of Community Development Block Grant (CDBG) Funds And \$1,591,363 Of Home Investment Partnership (HOME) Funds; Amend The FY 2008 Through FY 2013 Action Plans; Issue A Notice Of Public Meeting On The Proposed Substantial Amendments To The City's FY 2008 Through FY 2013 Action Plans, To Include A Thirty (30) Day Public Comment Period; And Issue A Request For Proposals (RFP) For The Recaptured HOME Funds To Ensure Compliance With The United States Housing And Urban Development (HUD) Department's Rules And Regulations.

(Housing & Community Development)

ACTION: Resolution No. 2014-28476 adopted. Motion made by Commissioner Tobin; seconded by Vice-Mayor Weithorn; Voice vote: 7-0. **Maria Ruiz to handle.**

Maria Ruiz, Director of the Housing and Community Development Department, stated that this item seeks to do several activities to comply with HUD rules and regulations. The first step is to recapture CDBG and HOME funds that either have been allocated to activities that no longer need the money or were unable to get started or accessed the funds; the second step is to allow them to amend the plans to where the moneys came from, which they can do according to HUD. The third piece is to open a public comment for people to share their comments on how those moneys are to be reallocated, and the final piece is to enable them to issue an RFP for those funds that are being recaptured so they can be put back on the streets.

Commissioner Malakoff met with Dennis Russ, from the Miami Beach Development Corporation, and she does not understand why the MBDC is not completing the London House.

Maria Ruiz, Director of the Housing and Community Development Department, explained that the project's contract was held until the review of MBCDC was completed.

Jack Johnson congratulated Mayor Levine and the new elected Commissioners. He is the Chair of the Board of the Miami Beach Community Development Corporation; they have had a long history of partnership with the City. There had been improprieties at the MBCDC and he would like, on behalf of the Board, to describe the actions that the Board has taken and is taking, to address those improprieties. They have obtained and accepted the resignation of their President, and they have appointed Dennis Russ as Acting Executive Director. Dennis is the founder of the organization. They have begun a search for a permanent executive director. They have

responded to the best of their ability to the City's inquiries and have provided the City with documentation. They have committed themselves to full cooperation with the City and involve any other agencies. They have initiated an internal review, which is to be conducted by Ackermann Senterfitt and they have committed themselves to a comprehensive program of internal review, reform and renewal, which includes re-establishing the highest ethical standards and quality assurance as core values of the agency, and restoring a strong stable financial condition to the agency. Their goal is to restore the confidence of the City in their capacity to partner with the City to serve the Housing and Community Development needs and citizens of Miami Beach and to do that as completely and expeditiously as possible.

Jimmy L. Morales, City Manager, stated that the issues involving CDBG HOME funds have plagued the City from day one of his tenure as City Manager; he learned that they were losing over \$500,000 in CDBG and HOME funds because they had failed to commit those funds, and in fact, the City lost them. He identified and empathize with Jack, to do clean up in their organization; he outlined in a memorandum the issues identified at Department level, changes have been made and in that process issues were identified and they are working through those issues. They are not there yet, frankly, they are doing their own internal work and Maria is doing a great job. They want to recapture the monies and do not want to lose money because on a timely basis they did not comply or commit to US HUD.

Commissioner Tobin stated that for six years he tried to urge the Mayor and Commissioners that something funny was going on with MBCDC; it is the same people involved, Dennis Russ, the board; they really did not have the technical skills; they got together to decide what problems they had. Roberto got the money and he spent it how he saw it fit. There are tens of millions of dollars involved, and he wanted the Board to know that despite the fact that Mr. Johnson is going to implement all the new things, it is important to take a view of these, and that the stewardship of this organization did not have knowledge, skill, ability or motivation to be able to manage this properly, that is why they left all the money to Mr. Da Torre, and he is hoping and giving him the benefit of the doubt that the money was left with Mr. Da Torre. He is all for recapturing, and before they give this organization money, there has to be a wholesale house cleaning, retraining and understanding what they need to do.

Commissioner Wolfson stated that he regrets over the years not having listened to Commissioner Tobin, because for years he did sound the alarm, but due to the structure they had it was difficult to tap what was going on. He pushed hard for audits, but there is regret that it could have been done sooner.

Jimmy L. Morales, City Manager, stated that it is HUD's money, but if the City has the liability, regardless what other agencies are doing, the City has to respond. One of the things they tried to do here and Maria and Kathie are assisting, is to work with HUD and the agencies and addressing this and getting the house in order and avoid these mistakes going forward.

4:43:44 p.m.

R7L A Resolution Authorizing The City Of Miami Beach Parks And Recreation Department And Office Of Community Services To Move Forward With Occupying And Programming The Approximate 52,000 Square Feet Of City Owned Property Located At 8108-8140 Collins Avenue, Known As The Log Cabin Property Site By Relocating The Existing Fairway Park Teen Club In Conjunction With Immediate Programs Such As Family Group Conferencing Services Available Through The City's Office Of Community Services.

(Parks & Recreation)

ACTION: Resolution No. 2014-28477 adopted. Motion made by Commissioner Tobin; seconded by Commissioner Steinberg; Voice vote: 7-0. **John Rebar to handle.**

Jimmy L. Morales, City Manager, wanted to take this opportunity to explain the effort to focus on revitalization efforts in North Beach, and he knows this Commission has put emphasis on different issues in North Beach. They have two meetings coming up, one in January 30th and one in February 13th at the North Shore Youth Center at 6:30 p.m., and he invited everyone to attend. They are trying to do outreach and get feedback from the community and going forward with this effort to identify needs and issues in that process.

John Rebar, Parks and Recreation Director, stated that this item is a request for authorization for the Parks Department to move into the now vacant "Log Cabin" at the 81 block of Collins; there are three structures in the Log Cabin; they have a team of about 100 registered members out of Fairway Park, and the community would like to have the park back and not occupied by teens in the afternoon. They have a great opportunity to serve the teens in the North End and pick up the program at Fairway and move it to the Log Cabin.

R7M A Resolution Authorizing The City Manager To Accept A Settlement In The Amount Of \$10,000.00 Toward The Late Charges Totaling \$205,350.00 ("Production Sud Late Charges"), Which Were Found To Be Due And Owing To The City Pursuant To The City's Audit, In Connection With The Management Agreement ("Agreement") Between The City And Production Sud, Inc. ("Production Sud"), Relating To The Antiques And Collectibles Market For The Period From October 1, 2010 Through May 5, 2013 ("Production Sud Audit"); And Further Authorizing The City Manager To Waive The Remaining Balance Of The Production Sud Late Charges In The Total Sum Of \$195,350.00.

(Tourism, Culture & Economic Development)

ACTION: Item withdrawn.

4:46:32 p.m.

SUPPLEMENTAL 1 - Memorandum

R7N A Resolution Waiving, By A 5/7ths Vote, The Formal Competitive Bidding Requirements, Finding Such Waiver To Be In The City's Best Interest, And Authorizing The Administration To Negotiate A Contract For Transit Services Along The Alton Road And West Avenue Corridors And Optional Additional Routes At The City's Discretion.

(Public Works)

(Memorandum to be Submitted in Supplemental)

ACTION: Resolution No. 2014-28478 adopted. Motion made by Commissioner Tobin to negotiate simultaneously with MB and Transportation America for trolley service, begin services by February 1, 2014; and waive the formal competitive bidding requirements; Motion seconded by Commissioner Malakoff. Voice-vote: 7-0. **Eric Carpenter to handle.**

Kathie G. Brooks, Assistant City Manager, on behalf of the City Manager, explained that the priority identified was establishing a shuttle service on Alton Road and West Avenue. They have identified three providers that could provide that service: First Transit, MB Transportation and Keoles, which has been recently acquired by Transportation America. In reaching out to different municipalities, while Keoles was providing services to a number of those, two of the municipalities informed them that they were having some problems. First Transit was not as responsive, MB Transportation was extremely responsive and has submitted a proposal for them to provide those services as early as February 1st. Funding is available. Jose Gonzalez is the one who worked on this from Public Works and Eric Carpenter, Public Works Director, have additional information.

Jose Gonzalez, Transportation Division, explained the efforts undertaken and provided a term sheet developed based on the full fee and circulator service that entails private operator providing all elements of the service, primarily vehicles, drivers and fuel, repairs included. Their recommendation is to proceed with the big waiver that will allow them to move quickly and launch the service. MB Transportation has a contract with the City of Hialeah, they operate about nine buses. One of the attachments is a letter of reference from that municipality.

Discussion held.

Kathie G. Brooks, Assistant City Manager, explained that they have a markup for the buses; it is not final but it shows the branding for Miami Beach. In answering Mayor Levine's question regarding trollies being available, she explained that typically trollies depreciate between five and seven years; so if they did purchase trollies, they will do that but the City will have to be responsible for the un-depreciated value for the remaining term.

Mayor Levine stated that this type of transportation shown in the mock-up by Ms. Brooks does not fit the Miami Beach image.

Discussion held.

Eric Carpenter, Public Works Director, stated that MB Transportation is a bus service, it is not a trolley vehicle. They are working with the City of Plantation who have a couple of trollies that are out of service, but there is a couple of months of lead-time; they can get trollies but they need to be careful as they are about \$200 to \$250,000 each and typically depreciate over an extended period of time.

Alex Heckler, Esq., on behalf of Transportation America, staff is asking to give this contract to MB, but Transportation America and its subsidiaries have 34 municipal contracts including those shuttles and 34 trolleys in the City of Miami, Coral Gables, Homestead, Doral, Opa Locka, and Plantation in Broward among others. Obviously, this was a supplemental item, and staff did not do it in bad faith, but he added that there was confusion. Transportation America runs the County's STS system with super shuttle systems as well. He sent a letter and added that Transportation America will love to service the City. He suggested giving them a chance.

Eric Zicalla, on behalf of the Lincoln Road Property Association, stated that their concern is not the vendor itself, but that they would like to keep the door open for discussion on the route, so that potentially if there is an opening in the future to bring that traffic through Lincoln Road, that is what they would like to see. They hope they do not lock themselves to one route.

Mayor Levine would like to see trolleys all over the City and use it as an auxiliary transportation system.

Discussion continued.

Rick Kendle spoke.
Stanley Shapiro spoke.

Commissioner Tobin asked if Mr. Heckler's client is giving the City a significant better price and they can add something that ensures great service, and if they are in the best position to deliver that, let the City negotiate with both and see if they can get some trolleys.

Discussion continued.

Kathie G. Brooks, Assistant City Manager, stated that she recommended waiving for MB or for Transportation America. The direction she has is to get trolleys and implement by February 1st.

Discussion continued.

Motion made by Commissioner Tobin. Commissioner Tobin added that he is leading to negotiate with Transportation America and for them to take liability of the depreciation value. Motion seconded by Commissioner Malakoff. Voice-vote: 7-0.

Rafael E. Granado, City Clerk, clarified that the motion is to negotiate with both MB and Transportation America, for trolleys, and the implementation date is February 1, 2014; and waive the formal competitive bidding requirements.

A roll call vote was taken.

Handout or Reference Materials:

1. Alton West Loop Flyer with photo of bus

R9 - New Business and Commission Requests

R9A Board And Committee Appointments.
(City Clerk's Office)

ACTION: The following appointments were made:

AD HOC CHARTER REVIEW AND REVISION BOARD:

As per Resolution 2013-28446 this board was extended 120 days or until 05/01/2014

Richard Alhadef	Term ending 05/02/2014	Appointed by Commissioner Steinberg
Jonathan Beloff	Term ending 05/02/2014	Appointed by Commissioner Malakoff
Richard Preira	Term ending 05/02/2014	Appointed by Commissioner Wolfson
Sherry Kaplan Roberts	Term ending 05/02/2014	Appointed by Commissioner Grieco
Stephen Zack	Term ending 05/02/2014	Appointed by Mayor Levine

AD HOC COMMITTEE CENTENNIAL CELEBRATION:

Dawn McCall	Term ending 07/31/2014	Appointed by Commissioner Malakoff
George Neary	Term ending 07/31/2014	Appointed by Commissioner Weithorn
Reagan Pace	Term ending 07/31/2014	Appointed by Mayor Levine

AD HOC COMMITTEE FLOODING TASK FORCE:

Lior Leser	Term ending 08/25/2014	Appointed by Commissioner Wolfson
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ART IN PUBLIC PLACES:

Ombretta Agro-Andruff	Term expires 12/31/2015	City Commission Appointment	TL 12/31/19
Lisa Austin	Resigned effective 12/16/2013		
Cathy Byrd	Term ending 12/31/2014	City Commission Appointment	TL 12/31/19
Lisette Ollenberg-Golds (TL12/31/14)	Term expires 12/31/2015	City Commission Appointment	TL 12/31/14
Chana Sheldon	Term expires 12/31/2015	City Commission Appointment	TL 12/31/19

BEAUTIFICATION COMMITTEE:

Moni Cohen	Term ending 12/31/2014	Appointed by Commissioner Steinberg	TL 12/31/18
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BICYCLE-PEDESTRIAN FACILITIES ADVISORY COMMITTEE:

Aaron Davis	Term ending 12/31/15	Appointed by Commissioner Wolfson	TL 12/31/20
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BOARD OF ADJUSTMENT:

Larry H. Colin	Gen. Bus. Term ending 12/31/15	City Commission Appointment	TL 12/31/19
Bryan Rosenfeld	CPA Term ending 12/31/15	City Commission Appointment	TL 12/31/15

BUDGET ADVISORY COMMITTEE:

Jack Benveniste	Term ending 12/31/15	Appointed by Commissioner Malakoff	TL12/31/15
Dushan Kohler	Term ending 12/31/2015	Appointed by Commissioner Wolfson	TL 12/31/15
Ronald Starkman	Term ending 12/31/2014	Appointed by Commissioner Steinberg	TL 12/31/21

COMMITTEE FOR QUALITY EDUCATION COMMITTEE IN MB:

Judith Berson-Levinson	Term ending 12/31/2014	Appointed by Commissioner Malakoff	TL 12/31/21
Tiffany Heckler	Term ending 12/31/2015	Appointed by Commissioner Wolfson	TL 12/31/18
Beverly Heller	Term ending 12/31/2015	Appointed by Commissioner Steinberg	TL 12/31/16
Betsy Mateu	Term ending 12/31/2014	Appointed by Mayor Levine	TL 12/31/21

COMMITTEE ON THE HOMELESS:

Dale Gratz(TL 12/31/2014)	Term ending 12/31/2014	Appointed by Commissioner Malakoff	TL 12/31/14
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COMMUNITY DEVELOPMENT ADVISORY COMMITTEE:

Alex Orlofsky, Citywide	Term ending 12/31/2014	Appointed by Commissioner Steinberg	TL 12/31/21
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COMMUNITY RELATIONS BOARD:

Marta Martinez Aleman	Term ending 12/31/2014	Appointed by Jimmy L. Morales, City Manager	TL 12/31/21
Darin Feldman	Term ending 12/31/2015	Appointed by Jimmy L. Morales, City Manager	TL 12/31/19
Amy Rabin	Term ending 12/31/2015	Appointed by Commissioner Malakoff	TL 12/31/21
Rabbi Solomon Schiff	Term ending 12/31/2014	Appointed by Commissioner Steinberg	TL 12/31/15

CONVENTION CENTER ADVISORY BOARD:

Roger Abramson	Term ending 12/31/2014	Appointed by Commissioner Malakoff	TL 12/31/16
Michael S. Goldberg	ex-officio, Chairperson Bd. Of Directors MBCC		
Jacqueline Hertz	Term ending 12/31/2015	Appointed by Commissioner Steinberg	TL 12/31/21
Elizabeth Resnick	Term ending 12/31/2015	Appointed by Commissioner Wolfson	TL 12/31/20

DEBARMENT COMMITTEE:

Zachary Cohen	Term ending 12/31/2014	Appointed by Commissioner Grieco	TL12/31/21
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DESIGN REVIEW BOARD:

**Kathleen S. Phang	Attorney Term ending 12/31/2014	City Commission Appointment	TL 12/31/19
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**** Clerk's Note: filling the vacancy left by Lidia Medina Urban Planner**

DISABILITY ACCESS COMMITTEE:

Dr. Michael Alexandri	Term ending 12/31/2015	Appointed by Commissioner Grieco	TL 12/31/21
John Bennet	Term ending 12/31/2015	Appointed by Commissioner Wolfson	TL 12/31/21
Sabrina Cohen	Term ending 12/31/2014	Appointed by Commissioner Tobin	TL 12/31/17
David McCauley	Term ending 12/31/2014	Appointed by Commissioner Malakoff	TL 12/31/20
Matthew Meyer	Term ending 12/31/2015	Appointed by Commissioner Tobin	TL 12/31/20
Oliver Stern	Term ending 12/31/2014	Appointed by Commissioner Grieco	TL 12/31/21
Helen Swartz	Term ending 12/31/2015	Appointed by Commissioner Malakoff	TL 12/31/18

FINE ARTS BOARD:

Melissa Broad	Term ending 12/31/2015	Appointed by Commissioner Tobin	TL 12/31/15
Britta Hanson	Term ending 12/31/2015	Appointed by Commissioner Steinberg	TL 12/31/19
Tiva Leser	Term ending 12/31/2015	Appointed by Commissioner Wolfson	TL 12/31/15

GAY, LESBIAN, BISEXUAL AND TRANSGENDER COMMITTEE (GLBT):

Thomas Barker	Term ending 12/31/2015	Appointed by Commissioner Malakoff	TL 12/31/16
Michael Bath	Term ending 12/31/2014	Appointed by Commissioner Steinberg	TL 12/31/17
Cindy Brown	Term ending 12/31/2015	Appointed by Commissioner Wolfson	TL 12/31/19
Edison Farrow	Term ending 12/31/2015	Appointed by Commissioner Steinberg	TL 12/31/16
David Leeds	Term ending 12/31/2014	Appointed by Mayor Levine	TL12/31/21
Elizabeth Schwartz	Term ending 12/31/2014	Appointed by Commissioner Malakoff	TL 12/31/21
Dale Stine	Term ending 12/31/2014	Appointed by Commissioner Wolfson	TL 12/31/17
Laura Veitia	Term ending 12/31/2014	Appointed by Commissioner Grieco	TL 12/31/16
Ron Wolff	Term ending 12/31/2015	Appointed by Commissioner Grieco	TL 12/31/21

GOLF ADVISORY COMMITTEE:

Joseph Conway	Term ending 12/31/2015	Appointed by Commissioner Grieco	TL12/31/18
Ronald Starkman ***	Term ending 12/31/2015	Appointed by Commissioner Grieco	TL 12/31/21
***Resigned from this committee and appointed to the Budget Advisory Committee.			
Gail Williams	Term ending 12/31/2014	Appointed by Commissioner Malakoff	TL 12/31/20

HEALTH ADVISORY COMMITTEE:

Anthony Japour	Removed due to absences
Dr. Jay Reinberg	Removed due to absences

HISPANIC AFFAIRS COMMITTEE:

Veronica Camacho	Term ending 12/31/2015	Appointed by Commissioner Malakoff	TL12/31/21
Ana Cecilia Velazquez	Term ending 12/31/2014	Appointed by Commissioner Grieco	TL 12/31/21

LOAN REVIEW COMMITTEE:

Eric Lawrence	Term ending 12/31/2014	Appointed by Commissioner Malakoff	TL 12/31/17
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MARINE AUTHORITY:

Sahsa Boulanger	Term ending 12/31/2015	Appointed by Commissioner Tobin	TL 12/31/18
Daniel Kipnis	Term ending 12/31/2015	Appointed by Commissioner Wolfson	TL 12/31/16
Christopher Todd (TL12/31/14)	Term ending 12/31/2015	Appointed by Commissioner Grieco	TL 12/31/14

MIAMI BEACH COMMISSION FOR WOMEN:

Mercedes Carlson	Term ending 12/31/2015	Appointed by Commissioner Grieco	TL 12/31/18
Laura Colin	Term ending 12/31/2014	Appointed by Commissioner Malakoff	TL 12/31/21
Karen Edelstein	Term ending 12/31/2014	Appointed by Commissioner Steinberg	TL 12/31/15
Lindsay Genet	Term ending 12/31/2014	Appointed by Commissioner Grieco	TL 12/31/21
Francinelee Hand	Term ending 12/31/2015	Appointed by Commissioner Malakoff	TL 12/31/16
Adrienne Krieger	Term ending 12/31/2014	Appointed by Commissioner Malakoff	TL 12/31/21
Debra Quade	Term ending 12/31/2015	Appointed by Commissioner Steinberg	TL 12/31/19
Regina Suarez	Term ending 12/31/2015	Appointed by Commissioner Wolfson	TL 12/31/17

MIAMI BEACH SISTER CITIES PROGRAM:

Jacquelynn Powers	other	Term ending 12/31/2015	Appointed by Mayor Levine	TL 12/31/21
Monica Fluke	other	Term ending 12/31/2015	Appointed by Mayor Levine	TL 12/31/21
George Neary	other	Term ending 12/31/2014	Appointed by Mayor Levine	TL 12/31/16

PARK AND RECREATIONAL FACILITIES BOARD:

Samantha Bratter	Term ending 12/31/2015	Appointed by Commissioner Malakoff	TL 12/31/21
Lori Nieder	Term ending 12/31/2015	Appointed by Commissioner Steinberg	TL 12/31/21
Elaine Soffer	Term ending 12/31/2015	Appointed by Commissioner Grieco	TL 12/31/21
Paul Stein	Term ending 12/31/2014	Appointed by Mayor Levine	TL 12/31/21

PLANNING BOARD

Brian D. Elias	Gen. Business	Term ending 12/31/2015	City Commission Appointment	TL 12/31/19
Jonathan Beloff	Attorney	Term ending 12/31/15	City Commission Appointment	TL 12/31/15
Jeffrey Feldman	Developer	Term ending 12/31/15	City Commission Appointment	TL12/31/19

POLICE CITIZENS RELATIONS COMMITTEE:

Alejandro Dominguez	Term ending 12/31/2015	Appointed by Mayor Levine	TL 12/31/21
Antonio Hernandez Jr.	Term ending 12/31/2014	Appointed by Commissioner Malakoff	TL 12/31/21
Mitchell Korus	Removed due to absences		
***Mathew Krieger	Term ending 12/31/2014	Appointed by Commissioner Malakoff	TL 12/31/21
*** Mathew Krieger	Removed not interested on this committee.		
Glenda Krongold	Removed due to absences		
Jordan Nadel	Term ending 12/31.2014	Appointed by Commissioner Grieco	TL 12/31/21
Michael Perlmutter	Term ending 12/31/2014	Appointed by Commissioner Grieco	TL 12/31/20
Bruce Reich	Term ending 12/31/2015	Appointed by Commissioner Steinberg	TL 12/31/21
Claire Warren	Removed due to absences		
Meryl Wolfson	Term ending 12/31/2014	Appointed by Commissioner Malakoff	TL 12/31/21

PRODUCTION INDUSTRY COUNCIL:

Daniel Davidson	Term ending 12/31/2014	Appointed by Commissioner Grieco	TL12/31/21
Joanna-Rose Kravitz			
Recording Industry	Term ending 12/31/2015	Appointed by Commissioner Steinberg	TL 12/31/21
Noreen Legault-Mendos			
TV/Film	Term ending 12/31/2015	Appointed by Commissioner Wolfson	TL 12/31/17
Joanna Popper			
News Media	Term ending 12/31/2014	Appointed by Commissioner Malakoff	TL 12/31/21

SAFETY COMMITTEE:

Jeff Gordon	Term ending 12/31/2015	Appointed by Commissioner Wolfson	TL 12/31/19
Calvin Kohli	Term ending 12/31/2014	Appointed by Commissioner Steinberg	TL 12/31/16
Allison Stone	Term ending 12/31/2015	Appointed by Commissioner Grieco	TL12/31/21
Carl Linder	Term ending 12/31/2014	Appointed by Commissioner Grieco	TL12/31/21

SUSTAINABILITY COMMITTEE:

David Doebler	Term ending 12/31/2015	Appointed by Commissioner Steinberg	TL 12/31/20
Erika Durst	Term ending 12/31/2014	Appointed by Commissioner Grieco	TL12/31/21
Lily Furst	Term ending 12/31/2015	Appointed by Commissioner Wolfson	TL 12/31/15
Susan W. Hart	Term ending 12/31/2015	Appointed by Mayor Levine	TL 12/31/21
Judith Wurtman	Term ending 12/31/2014	Appointed by Commissioner Malakoff	TL 12/31/21

TENNIS ADVISORY COMMITTEE:

David Berger	Term ending 12/31/2014	Appointed by Commissioner Malakoff	TL 12/31/21
Dolores Hirsch	Term ending 12/31/2015	Appointed by Commissioner Wolfson	TL 12/31/19

TRANSPORTATION AND PARKING COMMITTEE:

Ray E. Breslin	Term ending 12/31/2015	Appointed by Commissioner Malakoff	TL 12/31/21
Scott Diffenderfer	Term ending 12/31/2015	Appointed by Commissioner Wolfson	TL 12/31/15
Seth Wasserman	Term ending 12/31/15	Appointed by Commissioner Grieco	TL 12/31/16
Mark Weithorn	Rep. for NBDC 12/31/2015		

VISITORS AND CONVENTION AUTHORITY:

Keith Menin	Removed due to absences		
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WATERFRONT PROTECTION COMMITTEE:

Barbara Herskowitz (TL 12/31/2014)	Term ending 12/31/2014	Appointed by Commissioner Steinberg	TL 12/31/14
Robert Kraft	Term ending 12/31/2015	Appointed by Commissioner Wolfson	TL 12/31/16
Morris Sunshine	Term ending 12/31/2015	Appointed by Commissioner Grieco	TL12/31/15

YOUTH CENTER ADVISORY BOARD:

Michael Burnstine	Term ending 12/31/2015	Appointed by Commissioner Wolfson	TL12/31/19
Esther Egozi Choukroun	Term ending 12/31/2014	Appointed by Commissioner Malakoff	TL 12/31/17

Handout or Reference Materials:

1. Email from Dessiree Kane dated January 7, 2014 RE: Nomination to Planning Board.

1:52:31 p.m.

R9A1 Board And Committee Appointments - City Commission Appointments.
(City Clerk's Office)

ACTION: The following At-Large Appointments were made:

Commissioner Tobin asked if there is a way to only do the power boards today and leave the rest for another day. He has not had the time to read all the applications received.

Discussion held and the consensus was to move forward.

1:53:50 p.m.

AFFORDABLE HOUSING ADVISORY COMMITTEE:

ACTION: Motion made by Vice-Mayor Weithorn to defer the Affordable Housing Advisory Committee for another day. Motion approved by acclamation.

1:54:20 p.m.

ART IN PUBLIC PLACES COMMITTEE: (4 total vacancies)

ACTION: Vice-Mayor Weithorn stated that the following individuals were nominated:

Ombretta Agro Andruff
Carolyn Baumel
Cathy A. Byrd
Chana Sheldon
Lisette Ollenberg-Golds (Up for reappointment)
Patricia Fuller (Up for reappointment)

Motion made by Vice-Mayor Weithorn to reappoint the two individuals up for reappointment. No second offered.

Discussion held.

Motion made by Commissioner Grieco to defer the votes for the Arts in Public Places Committee to the next meeting. No second offered. Motion withdrawn.

A vote was taken on the nominees for Art in Public Places Committee.

The City Clerk announced the following:

Commissioner Malakoff voted for Chana Sheldon, Cathy Byrd, Lisette Ollenberg-Golds and Ombretta Agro-Andruff

Commissioner Grieco voted for Ombretta Agro-Andruff, Carolyn Baumel, Cathy Byrd and Chana Sheldon.

Vice-Mayor Weithorn voted for Lisette Ollenberg-Golds, Patricia Fuller, Ombretta Agro-Andruff and Cathy Byrd.

Commissioner Steinberg voted for Lisette Ollenberg-Golds, Patricia Fuller, Cathy Byrd and Chana Sheldon.

Commissioner Wolfson voted for Ombretta Agro-Andruff, Lisette Olemberg-Golds and Chana Sheldon.

Commissioner Tobin voted for Patricia Fuller, Lisette Olemberg-Golds and Carolyn Baumel.

Mayor Levine voted for Chana Sheldon.

BALLOT VOTE:

Ombretta Agro Andruff	(4 votes)
Carolyn Baumel	(2 votes)
Cathy A. Byrd	(4 votes)
Chana Sheldon	(5 votes)
Lisette Ollenberg-Golds	(5 votes)
Patricia Fuller	(3 votes)

APPOINTED:

Ombretta Agro-Andruff, Cathy Byrd, Lisette Ollenberg-Golds and Chana Sheldon.

2:08:11 p.m.

BUDGET ADVISORY COMMITTEE: (One vacancy)

ACTION: Discussion held. Mayor Levine requested to wait on this appointment.

2:09:29 p.m.

BOARD OF ADJUSTMENT: (5 total vacancies) - 5/7th vote required to be appointed

ACTION: Discussion held.

Motion made by Commissioner Wolfson to appoint Mayor Levine's nominee, Larry Colin, to the General Business category.

Commissioner Tobin stated that this application was late and it requires a 5/7th vote to waive the requirement. There can only be one waiver, per board, per meeting.

Mayor Levine seconded Commissioner Wolfson's motion; Voice vote: 6-1; Opposed: Vice-Mayor Weithorn.

Motion made by Commissioner Malakoff to nominate Brian Rosenfeld to the CPA category; seconded by Vice-Mayor Weithorn. Motion approved by acclamation.

Vote was taken on the two At-Large seats on the Board of Adjustment. The nominees being:

Mark Alhadeff
Heidy Tandy
Jeffrey Cohen
Elsa Urquiza

The City Clerk announced the following ballot votes:

Commissioner Grieco voted for Mark Alhadeff
Commissioner Tobin voted for Heidi Tandy
Commissioner Steinberg voted for Mark Alhadeff and Jeffrey Cohen
Vice-Mayor Weithorn voted for Mark Alhadeff and Jeffrey Cohen
Commissioner Malakoff voted for Heidi Tandy and Jeffrey Cohen

Commissioner Wolfson voted for Mark Alhadeff and Jeffrey Cohen
Mayor Levine voted by Elsa Urquiza and Heidi Tandy

Totals for Ballot Vote No. 1:

Mark Alhadeff	(4 votes)
Heidi Tandy	(3 votes)
Jeffrey Cohen	(4 votes)
Elsa Urquiza	(1 vote)

As members of the Board of Adjustment must be appointed by a 5/7th vote, the City Clerk announced that no one had been appointed.

Discussion was held.

A second vote for the all the nominees for the two at-large seat on the Board of Adjustment was taken.

The City Clerk announced the following ballot votes:

Mayor Levine voted for Heidi Tandy and Elsa Urquiza
Commissioner Tobin voted for Heidi Tandy
Commissioner Malakoff voted for Heidi Tandy and Jeffrey Cohen
Commissioner Grieco voted for Mark Alhadeff
Vice-Mayor Weithorn voted for Mark Alhadeff and Jeffrey Cohen
Commissioner Steinberg voted for Mark Alhadeff and Jeffrey Cohen
Commissioner Wolfson voted for Mark Alhadeff and Jeffrey Cohen

Total for Ballot Vote No. 2:

Mark Alhadeff	(4 votes)
Heidi Tandy	(3 votes)
Jeffrey Cohen	(4 votes)
Elsa Urquiza	(1 vote)

Members of the Board of Adjustment must be appointment by a 5/7th vote and the City Clerk announced that no one had been appointed.

2:27:33 p.m.

PLANNING BOARD:

ACTION: Motion made by Commissioner Wolfson to nominate Mayor Levine's nominee, Brian D. Elias, to the General Business position; seconded by Mayor Levine; Voice vote 7-0.

3:12:04 p.m.

Commissioner Wolfson announced that he had a point of clarification on his motion on the Planning Board. He wants to be clear that his motion was to appoint Brian Elias to the General Business seat, and leave the vacant seat vacant. Rafael E. Granado, City Clerk, inquired whether his nomination was for the seat that was formerly occupied by Mr. Charles Urstadt. Commissioner Wolfson responded "Yes."

3:35:57 p.m.

Commissioner Wolfson stated that there seems to be some confusion, but the seat that Mr. Elias was put in was the General Business seat, which was Charlie Urstadt's seat, meaning that

Charlie Urstadt is not on the Board. Therefore, the vacancy is maintained open. The vacancy was deferred. Mr. Elias filled Charlie Urstadt's seat. Commissioner Grieco responded, "correct."

City Clerk's Note: The vacancy in question is the seat now occupied by Henry Stolar. Mr. Stolar is term-limited, but pursuant to City Code Section 2-24 (a) *Expiration of terms*. All persons serving on city agencies, boards or committees shall cease to hold office when a successor is duly appointed, or 60 days after expiration of the term of their office, as such term is specified in the ordinance, resolution or other law creating such office, whether or not a successor has been appointed, whichever occurs first, and such persons shall at that time cease to exercise any rights, power or prerogatives of office.

Motion made by Vice-Mayor Weithorn to reappoint Jonathan Beloff to the Attorney position by acclamation; seconded by Commissioner Wolfson; Voice vote: 7-0.

Motion made by Commissioner Malakoff to appoint Jeffrey Feldman to the Developer category by acclamation; seconded by Commissioner Grieco; Voice vote 7-0.

2:29:33 p.m.

DESIGN REVIEW BOARD:

ACTION: Motion made by Vice-Mayor Weithorn to reappoint Mickey Minagorri to the At-large category and Jason Hagopian to the Registered Architect position. No second offered.

Motion made by Commissioner Grieco to defer appointments to the Design Review Board to the next meeting; seconded by Commissioner Wolfson. No vote taken.

Motion made by Commissioner Wolfson to appoint Kathleen S. Phang to the Attorney position; seconded by Mayor Levine; Voice vote: 7-0.

City Clerk's Note: Kathleen S. Phang, as an Attorney, is replacing Lidia Medina, who held the seat in the same category as an urban planner.

Motion made by Commissioner Wolfson to appoint John Turchin; no second offered. Discussion held.

Motion made by Commissioner Wolfson to table appointments until the next meeting; seconded by Commissioner Grieco. Approved by acclamation.

Vice-Mayor Weithorn requested to rescind the persons voted on, and start over. There was no consensus.

1:46:54 p.m.

R9A2 Nomination Of Henry Stolar For The Noise Working Group.

(Requested by Commissioner Edward L. Tobin)

ACTION: Motion made by Commissioner Wolfson to nominate Commissioner Steinberg as liaison to the Noise Working Group; seconded by Commissioner Tobin; Voice-vote: 7-0; **Joe Jimenez to handle.**

Jimmy L. Morales, City Manager, explained that the Noise Working Group was one of the two groups that came out of the Crowe Horwath study of our regulatory departments, and the recommendations they made for these departments. Vice-Mayor Weithorn chairs the first working group. City Manager Morales added that there are two items that the Commission should address: 1) Commissioner Tobin has nominated Henry Stolar to the Noise Working Group; and 2) former Commissioner Exposito was the previous Chair of the Noise Working Group, and this City Commission needs to select a new Commission Chair/Liaison to the group.

Vice-Mayor Weithorn explained that the Working Group that she chairs is close to being done. The Noise Working Group has only met once. Vice-Mayor Weithorn clarified that the purpose of bifurcating the Working Groups was that she was concerned that otherwise it would slow the process down. Vice-Mayor Weithorn added that the Noise Working Group needs a Commission liaison. She explained that this group was created to find solutions to the issues and deficiencies that were identified in the report. Recommendations were made in the audit that affects the quality of life. Joe Jimenez, Assistant City Manager, is the staff liaison. Vice-Mayor Weithorn added that the Noise Working Group needs a Commission person to run it.

Discussion held.

Vice-Mayor Weithorn explained that it is not about noise, it is about trying to find solutions to what the issues and deficiencies that were identified by the Crowe Horwath [Performance and Operational Audit].

Commissioner Tobin added that when he thinks about the Crowe Horwath report, he recalls that it mentioned that the City has a high percentage of unfounded complaints, then subsequently several employees in the Code Department were arrested. Commissioner Tobin is concerned that the data that Crowe Horwath utilized was derived from when "crooked people" were working in Code.

Commissioner Tobin would like to nominate Henry Stolar to the working group.

Commissioner Wolfson stated that Mr. Stolar did many years of very solid work on the Planning Board, and thinks that they should look for fresh blood that wants to be involved in this group. There seems to be a new spirit towards conciseness, brevity and getting to the point, and with all due respect, he suggests that they find someone that wants to be part of it with that in mind.

1:50:58 p.m.

Vice-Mayor Weithorn stated that in the sake of brevity and efficiency, allow Commissioner Steinberg to have a meeting, and if she thinks there is a need for additional members, she can come back to the Commission and let them know.

Discussion held.

Motion made by Commissioner Wolfson to appoint Commissioner Steinberg as the Commission liaison; seconded by Commissioner Tobin; Voice vote 7-0. Commissioner Steinberg accepted to be the liaison.

1:51:46 p.m.

Joe Jimenez, Assistant City Manager, suggested deferring the nomination of Henry Stolar to the Noise Working Group to the February 12, 2014 City Commission Meeting. Mayor Levine agreed. **Joe Jimenez to handle.**

8:35:32 a.m.

R9B1 Dr. Stanley Sutnick Citizen's Forum. (8:30 a.m.)

ACTION: The following individuals spoke:

- 1) Gil Zriny commended the City Commission on the new schedule, which he thinks it is a great idea. He wants to speak on the tennis issue, which was pulled off the agenda today. The City is to be commended for the world-class clay courts at Flamingo Park. For those who play tennis is easier for the body to play on clay courts. There is a discussion regarding management of that tennis court. Since 2002, it has been managed by Jimmy Bollettieri and his group, which is synonymous of good teaching and good tennis. He was at the meetings when former manager was removed by the City because it was determined his management of clay courts was inadequate. The Miami Beach Magazine and Recreation Department Magazine do not mention tennis programs for children and he distributed copies of the adult clinic program. He pays \$187 to the City to play on the Flamingo Courts, and he did not know that it was going to be turned back to the former management that does not know how to maintain the courts. Clay courts have to be maintained daily and hard courts only need to be resurfaced every few years for thousands of dollars.
- 2) Captain Dan Kipnis, Chairman of the Miami Beach Marine Authority, explained that they feel they have an emergency issue with the Boat Show coming up. There is a side north of the Julia Tuttle Causeway, which was dredged to fill in to make the causeway; the County feels this is a good mitigation site for sea grass planting and artificial reefs. The Port of Miami dredging is now adding about 17 acres of sea grass in the channel that is the only way to go from the Miami side near coastal waterway where Miami Beach comes out at Mt. Sinai Hospital and then up Meridian channel and into Indian Creek around La Gorce; which is the only way these large yachts can get there. That is the channel they use to cross. A slide show presentation was made. He explained the proposed filling, which leaves very little room for boats to come through. He suggested to the Army Corps of Engineers to move everything 100 feet to the north. For many reasons this was not done, first of all because it is not a Coast Guard approved navigation channel, secondly because the Port of Miami does not listen to anyone. Now next week barges are coming through to go to Boat Show in Indian Creek and a week after that there will be 550 yachts coming in and they are going to get stuck. They need an emergency injunction to ask the Corp to take steps to resolve this situation. He asked for the City Attorney to get a judge to say that this is an emergency and work out a long term solution, but for now, they need to take the pilings out and the Army Corps of Engineer will not do it unless a judge mandates that.

Jose Smith, City Attorney, explained that Captain Kipnis and the City Attorney will meet with

the Army Corps of Engineers, and he will like to reach out to elected officials to see if there is anything they can do.

Captain Kipnis explained that things are moving forward next week.

- 3) Glenn Allen explained that the Boat Show is a long-term project. They need a marked federal channel with controlling depth that is specified, so that they can keep it clear; otherwise, major yachting will be lost in Miami Beach. He asked for any assistance to make this a marked channel.

Jimmy Morales, City Manager, stated that there was a meeting at the Port of Miami on this issue and they are aware of it.

Discussion continued.

Joe Jimenez, Assistant City Manager, asked direction from the City Commission but in going forward with the Port will require some pressure from the court, and it is a federal issue.

- 4) John Florentine thanked the Rabbi for his invocation today. He drew attention to his invention called "Roof Shelf" which works in partnership with and in conjunction with the sun, and reflects the energy of the sun right off the roof before it has a chance to warm the building. The Convention Center is almost 900,000 square footage of roof, taking this to 145 degrees daily, if this "roof shelf" is added to the structure, there will be no need for Air Conditioning for the structure. He asked to consider having the roof to mitigate the thermal law and cost to the taxpayers to keep the buildings habitable.
- 5) Stanley Shapiro asked the City Attorney if the City Commission today could pass a resolution opposing casino gambling in the City of Miami Beach to take the lead, as the community firmly opposes casino gambling. Secondly, he commended the City Manager, because the lobbyists that registered with the City are listed and that is transparency. Regarding Star Island, this is a different day and a different City Commission, and the homeowner should be given respect. He commended the City Manager's Office for being public oriented and show an excellent display. He complimented Commissioner Steinberg and Mayor Levine for bringing up the Convention Center problem at today's meeting, which was probably the number one issue. Regarding Art Deco, there are many disgraceful buildings looking for another "fire," and these are disasters waiting to happen. The City needs to inspect all Art Deco buildings to make sure they are not fire hazards.
- 6) Marcela Paz-Cohen is interested in protecting neighbors and tourists, and respectfully requested amending the budget from 381 full time police officers to 403. According to her conversation with Chief Martinez, with this increase they will be able to handle situations that happen in parking lots and the beach while people go in the water. Another safety issue is that there are ocean rescue that have boat but no rescue diver equipment, while the police have three boats and rescue diver equipment but only one person on patrol at any given time. There should be three people operating the boat, one of them being a paramedic. She also stated that the recommendation from the Waterfront Protection Committee and Marine Authority Board, specifically from Sergeant Sanchez, about the signage is a good idea in order to respond to emergencies faster. She also stated that in 2004 or 2005 there were many jobs subcontracted out from the City, and in her conversations with City employees many of those jobs are not completed, and are therefore, for City employees to complete

those jobs, which entails time wasted.

Handout or Reference Materials:

1. LTC 026-2014 Response to Sutnick Hour 12/11/13 issues raised by Ms. Marcella Paz Cohen.
- 7) Maurice Goodbeer, Marine Authority Board and local mariner, wanted to bring to the attention of the City the fact that currently there is no welcoming cruisers or mariners to the City. The City has a small boat launch at Purdy Avenue; they have about 60 to 100 cruisers that come and anchor in a local anchorage regularly. This is the season they are in town. Currently they anchor alongside the seawall and are not welcomed to the City. He sails around the country and has checked out various different marinas and boat launches and dock systems, and Miami Beach is not welcoming to cruisers as other municipalities are. These visitors add to the City's economy and should be welcomed to the City.
- 8) Gene Kulick spoke about South Pointe Park. She stated that awarding a contract has blindsided them about the hedge. She cannot see the difference between the hedge and a fence. She thinks the City cut corners and believes this is the wrong thing to do. The park is beautiful and was working well, with everyone interacting without any problems. They do not need another cage playground. Children need the space to play and bike. This Commission is making some bold decisions, and she asked that the City Administration to stop and send to the neighborhood. Give the neighborhood a chance and respect the park.
- 9) Frank Del Vecchio asked about item C2F. He is recommending that the item be pulled and referred to the Neighborhood/Community Affairs Committee.

Commissioner Grieco explained that he had pulled item C2F.

- 10) Alex Heckler spoke as a resident of Miami Beach. He stated that there was a pipe break and sewage spill onto their yards. He reached out to the City Manager and elected officials, and within ten minutes of the initial call, there were about eight trucks there continually to resolve the issue. What the City Manager, staff and Emergency Management Coordinator, along with the police who blocked off the area, teamed up and even cleaned up their yards, and made a bad situation livable. His only constructive criticism would be that the sidewalks afterward he does not know if they were pressured clean, but he thanked the City for the effort.
- 11) Wayne Pathman requested that item C4H be allowed public comment.

Rafael E. Granado, City Clerk, explained that item C4H had been pulled by Vice-Mayor Weithorn.
- 12) Ray Breslin stated that he thinks that the City should promote the "wavy" seawall on Dade Boulevard, just as San Francisco promotes the "most crooked street in the world," Miami Beach can have the "waviest seawall in the world."

1:13:08 p.m.

R9B2 Dr. Stanley Sutnick Citizen's Forum. (1:00 p.m.)

ACTION: The following individuals spoke:

1. Alberto Machado asked why the City does not assist him with the issues he has been having with the bus stops. He complains of bus drivers and the way they treat tourists and residents. He handed out a police report that was given to a bus driver. He thanked the City Commission for their efforts and he asked the Mayor to clean house.
2. Robert Warren, 4505 Adams Avenue, wants to bring attention to the Alton Road construction, the Lincoln Road businesses need assistance and he asked that the Commission direct Public Works to get more exposure on Lincoln Road for walking traffic, since local residents cannot get there. Lincoln Road is a mess, they cannot get any worse, but he is asking for some help. Other ideas is for 16 Street, maybe eliminate some parking, bike lanes, but they need a better flow of traffic. He thanked the State for putting up the blue signs, which help. They need more signs from the State to promote Lincoln Road as well. Regarding Sunset Harbor improvements, to him closing a lane there if there is any way that can be delayed; it is ridiculous to start a project at this point; they waited ten years, why not wait another year. He asked assistance to update alternate routes and asked that they direct the Public Works Department to assist with that.

Jimmy L. Morales, City Manager, agreed to look into it. **City Manager's Office to handle.**

3. Daniel Ciraldo, member of MDPL, was not aware that public comment would not be authorized on first reading; he asked if this is going to be the way going forward, if they could be notified since homeowners wanted to speak. He added that MDPL had done a tremendous amount of research including aerial photos of incompatible new homes, and he offered the City Commission to use in figuring out the right zoning and in keeping neighborhoods authentic, structures compatible and in preserving homes. Homes are being demolished by developers to maximize the building footprint, and the problem with that is that the fabric of the neighborhood changes. Quality of life is important and that is what this is all about. The head of the Florida Trust Preservation and Dade Heritage Trust are also here to speak.
4. Becky Roper Matkov, Executive Director of Dade Heritage Trust, stated that they have always been incredible proud of Miami Beach for being such a leader in historic preservation. She worked along Barbara Capitman and others who led the effort; this has become a national example, and hopes that everyone going forward will appreciate how vital historic preservation is, not only to Miami Beach, but to the County, State and across the nation. She handed out a magazine of a conference done on modern architecture, which featured the MiMo district. Miami Beach has so much to offer and they thanked them for going forward in preserving the historic neighborhood, district and heritage.

Handout or Reference Materials:

1. Letter to Jimmy Morales, City Manager, from Hilda M. Fernandez, Executive Director, Homeless Trust, RE: Item C70.
2. Dade Heritage Days – March 1-April 30, 2013 Viva Miami: Sailing Into History brochure
3. Dade Heritage Trust Preservation Today booklet.

5. Rick Gonzalez, Preservation Architect from West Palm Beach and President of the Florida Trust for Historic Preservation, applauds the City for their efforts and hopes that they will continue to do that. Staff has done a great job. There are other cities in the State that keep an eye on Miami Beach, because the economy is good again and people are buying property, demolishing and building mansions. There is an amendment to the federal budget to repeal the insurance law that went into effect for flood insurances; this is brought up because when he reviews houses, they do not usually get a landmark house, such as the 42 Star Island, and that is a unique house, and there is nothing else that they can do at this time. There are tax credits that can be done, ten years credit for people that do restoration and additions, for residential they have a ten year waiver which is also transferrable. He encouraged them to continue to work with the preservation community.
6. Joe Manning stated that they were not able to speak on the 42 Star Island item this morning, and added that this home is not only historic, but it is a landmark and architecturally significant. They rejected the Planning Department recommendation because they lacked credibility. There is nothing wrong with that house. It was built by a star architect, it occupies a prominent place in the City and she is sorry to say that they failed the City today.
7. Rick Kendle explained that in California when there are historic homes they have to be deconstructed, and owners make a lot of money when they demolish homes. He suggested adding that to the ordinances, and also the fact that the house can be relocated, cut in pieces and barged off to another location. There are options. He spoke about Google Fiber and the quest for having the fastest internet in the country, start by getting Google Fiber.
8. Clotilde Luce expressed her gratitude for the preservationists in the audience today and asked the Commission not to tweak too much of the ordinance. She hopes that they do not approve 50%, 40% is more than reasonable. She explained that any high scale place in the country do not allow additions to the end of the lot. Regarding 42 Star Island, this is a decision that they will cringe over for a long time. The City Attorney, Kent Robbins, was not allowed to say that an independent study was not allowed inside the house. She knows that the board that approved 5th and Alton cringes when they go by.
9. Mike Burke spoke about the pedestrian Bill of Rights. In the past the history of the City, pedestrians are second-class citizens. It has gotten to the point that something has to be done, especially on 5th and Jefferson, 5th and Meridian, Washington Avenue, and added that it is not safe. People should have the right of way to have cars fully stop and allow pedestrians to cross. He asked that they act upon it.

Handouts or Reference Materials:

1. Pedestrians' Bill of Rights

10. Sally Stern, former resident of Miami Beach, spoke on historic preservation and the loss of 42 Star Island; the character of the City, an important tourist attraction is the ambiance of the City; its loss is detrimental to the historic preservation; the loss of the heritage is gone. Erasing the historic of what they were is erased for good, and is being replaced with monstrous structures without aesthetics. This is changing the essence of Miami Beach's historic preservation. She pleaded that they find understanding since the fate of Miami Beach is in their hands.

11. Steve "Bubba" Cohen congratulated the new Commission and announced that Beach High Basketball is playing next Wednesday and invited everyone. He thanked Mayor Levine for his support to Beach High.

Vice-Mayor Weithorn suggested that he send the invite by e-mail.

12. Julie Isecman is a travel coordinator for the Entertainment Industry and an advocate for MDPL; she has watched the transformation of Miami Beach since the 1990s. Models and fashion companies choose Miami Beach for its uniqueness and beauty. She spoke in favor of preservation and opposing the demolition of 42 Star Island.

2:36:25 p.m.

R9C1 Mayor's Memorandum On The Miami Beach Convention Center District Project (MBCC Project).
(Requested by Mayor Philip Levine)

ACTION: Resolution No. 2014-28479 adopted. Discussion held. Commissioner Wolfson moved to cancel the current RFQ (RFQ No. 22-11/12); terminate negotiations with the Master Developer, South Beach ACE (SBACE); direct the City Administration to prepare a new RFP or RFQ for design-build or design services for the renovation of the Convention Center alone; and further directed the City Administration to identify potential sites for a Convention Center hotel; seconded by Vice-Mayor Weithorn; Voice vote: 7-0. **City Manager's Office to handle.**

Mayor Levine explained that this is one of the most important issues in Miami Beach. It could be one of the most important issues in Miami Beach's history. One of the most important things in Miami Beach is getting the Convention Center renovated in an expedited fashion. The Convention Center is crucial to our residents, to the businesses, and to the tourism that they depend on in Miami Beach.

Mayor Levine believes that the Convention Center needs to be "decoupled" from the private components of the project contemplated under the current RFQ, and proposed by the Master Developer.

Since this process began, there was a referendum that now requires 60% voter approval of the leases for the private components of the project on City land (i.e. the hotel and retail components). This has changed the picture quite a bit.

The City has the money to build a state-of-the-art Convention Center on its own. In order to move quickly on the renovation of the Convention Center, decoupling the Convention Center from the proposed private components (i.e. the hotel and retail) is the most expedient way to do it.

Mayor Levine stated the need to cancel the current RFQ (RFQ No. 22-11/12). The Mayor believes things have changed since the RFQ was issued, and to get the Convention Center renovation done on time and on budget, it is unfortunate that they will have to make a tough decision, but a fresh start with a different approach will allow the City to get the Convention Center renovation to move forward quickly. The Mayor knows that to some people this is a little disheartening, but to others it is a fresh start.

Mayor Levine recommended that the City Commission vote to cancel the RFQ and start fresh. It is not a light decision, but the City has the money to do the Convention Center, and there are

many architects/builders who would love to renovate the Convention Center and do it on budget and on time. They have land next to the Convention Center that they could put out separately and distinct from the Convention Center renovation project, and get one (or two) hotels built. The Mayor is not sure of the size for a hotel. It all depends on the developer that comes in. It also depends on what the community feels is right, but Miami Beach is unique. They are not Orlando or Las Vegas. They already have a thriving hotel industry.

The Mayor believes that the City can look at doing the Convention Center renovation and a hotel project simultaneously, but they should be separate and distinct projects. Therefore, part of his recommendation is to ask staff to put together an RFP or RFQ for the renovation of the Convention Center, on an expedited basis. The Mayor also wants the City to consider a hotel component, but as a separate process.

Commissioner Tobin thanked the Mayor for putting this on the agenda, and for making this recommendation. Commissioner Tobin thinks it shows great leadership and vision. Commissioner Tobin added that even though the City's average daily hotel room rate is the third highest in the United States, our hotels are at occupancy above 80%. He believes that if the City is going to proceed with the renovation of the Convention Center, then there also needs to be a hotel component, but he agrees with the Mayor that both projects should be done separately. He would also like the Commission to consider a retail component in the future, because he thinks high-end stores (luxury brands) will do well in Miami Beach.

Mayor Levine reiterated that he believes the need for a hotel. They may need two hotels, but he is willing to leave that up to the market to decide. He wants to do the hotel process separately, since a hotel on City land would likely require a referendum, and he does not want to delay the immediate renovation of the Convention Center.

The Mayor also thinks they need to be creative. For example, City Hall is antiquated. The current City Hall site could be a potential site for a hotel, with a new City Hall located somewhere else (like on top of the Convention Center). The Mayor thinks by being creative and allowing City staff to put a proposal together for potential hotel sites, separate from the Convention Center renovation, they will be able to achieve both things efficiently. What the Mayor thinks is most important during this process is that he would like to stay away from rehashing the past. The Mayor thinks they have to look at the future, and move forward in building what they know everyone in the City deserves, which is a renovated Convention Center.

Vice-Mayor Weithorn stated that she likes a concurrent process. Vice-Mayor Weithorn is happy to see that the Mayor is still considering a hotel, because she thinks a renovated Convention Center will need that. Vice-Mayor Weithorn does not have a problem decoupling the Convention Center from the private project. Vice-Mayor Weithorn would like to see the Convention Center move in overdrive.

Commissioner Wolfson stated that he clearly is very pleased where they are today. Commissioner Wolfson actually thinks that they are closer to a renovated Convention Center today, than they were before the election. Commissioner Wolfson thinks the Mayor's vision and what the Mayor is putting forth gets them to an end game of having a renovated Convention Center that the convention business and the hotels can benefit from and the community as a whole will agree is a necessity. It is no doubt a necessity to bring the Convention Center building into this century, and for the users to have an experience that brings them back to utilize the Convention Center. It cannot continue to exist in the condition it is in. It is not a dilapidated

structure, but it is not representative of who they are and should be, so they need to renovate the Convention Center. He believes that by doing a design-build for the renovation of the Convention Center they could get this done well before the time line that the Master Developer had proposed. There was a time line outside of four years almost, so they could get this done much quicker than that; make everybody happy in that regard; and at the same time work on two separate pathways, to see if a hotel is the right thing.

MOTION:

Commissioner Wolfson moved to terminate negotiations with South Beach ACE (SBACE) and cancel the RFQ; decouple the renovation of the Convention Center from the hotel; and instruct City staff to prepare an RFP or RFQ for the renovation of the Convention Center that the City Commission can consider in the future. (See below for final motion.)

Vice-Mayor Weithorn inquired if Commissioner Wolfson would consider adding to his motion that the hotel be considered on a parallel track, concurrently.

Mayor Levine stated that the City is working with Art Basel and their CEO. The Mayor is asking them to come in and be involved as a consultant, and they are very excited. Art Basel represents the type of convention that the City wants to maintain for the future, so they would like to utilize their partner at Art Basel as much as possible.

The Mayor explained that with his concept to renovate the Convention Center first, as a separate project, the City would not be leasing or selling the land. The City owns it and is keeping it. Regarding what Vice-Mayor Weithorn is saying about considering the hotel concurrently, the Mayor thinks the idea is that the motion would be to direct staff to come back and tell the City Commission, based on what they found, what they feel is best. The Mayor thinks, simultaneously to preparing the RFP or RFQ for the Convention Center renovation, staff should identify sites for a potential hotel development.

Commissioner Steinberg wants to know what the timeline is.

The Mayor would hope to have something by the next Commission meeting, but deferred to the City Manager.

Jimmy L. Morales, City Manager, explained that any RFP/RFQ must be presented in full for the approval and the consideration of the City Commission, and his thought for the Convention Center, if they do an RFP or RFQ for design services, will probably be March 2014. They would probably come back in April with an analysis with respect to possible hotel sites.

Commissioner Steinberg stated that she wants it done right.

The Mayor stated that it must be decoupled and on two separate parallel tracks, but that they must move forward now with the renovation of the Convention Center.

Commissioner Wolfson stated that his understanding is that they are decoupling it. Commissioner Wolfson thinks that government can only focus on so many things at one time. The renovation of the Convention Center in itself is a massive undertaking. His understanding was that in decoupling they are going to work on the renovation of the Convention Center, and then discuss whether or not the hotel would fit and if so where. What it sounds like is being proposed is that they are going to get sites and go forward with a hotel as well.

Mayor Levine responded that he thinks the best way to go about it is to dual track them, but that they are totally decoupled and separate projects. The group renovating the Convention Center may not be the same one as the developer building the hotel. However, they want to keep them on parallel tracks. Mayor Levine added that they know that the Convention Center will probably move faster, but they want to make sure the hotel is going forward too. They are decoupled, but they are together.

Commissioner Malakoff just wanted to say a few words about the hotel. She read the 2008 Convention Center Survey. She met with Bill Talbert, President and CEO of the Greater Miami Convention & Visitors Bureau, and she is very familiar with the hospitality industry. She believes what Vice-Mayor Weithorn said is correct; they must go forward with the hotel component, as it is very important. A hotel nearby is very important. Commissioner Malakoff does not think it should be on top of the Convention Center but in the vicinity. She read the figures and a hotel within a block or two is fine. Commissioner Malakoff thinks they need to go forward with both. As long as the City Manager says they can handle both.

Vice-Mayor Weithorn said that she is calling it a “decoupled concurrent process.”

Bill Talbert, President and CEO of the Greater Miami Convention & Visitors Bureau, spoke.

Mayor Levine stated that they are concurrent, but very separate projects.

Vice-Mayor Weithorn stated that that is why she called it "decoupled," but they are going to move on them at the same time.

Commissioner Wolfson inquired of Vice-Mayor Weithorn, when she said at the same time, is she going to require that the hotel be completed at the same time?

Vice-Mayor Weithorn stated that obviously they could not be completed at the same time because one process they can control, and the other they will not. However, the sentiment from the dais is that the Convention Center needs the hotel, and if it happens six months after, or a year after, it is acceptable.

FINAL MOTION:

Commissioner Wolfson moved to cancel the current RFQ (RFQ No. 22-11/12); terminate negotiations with the Master Developer, South Beach ACE (SBACE); direct the City Administration to prepare a new RFP or RFQ for design-build or design services for the renovation of the Convention Center alone; and further directed the City Administration to identify potential sites for a Convention Center hotel. Motion seconded by Vice-Mayor Weithorn. Voice vote: 7-0.

Commissioner Tobin asked if the design/build plan for the Convention Center renovation would include the responsibility to identify a potential Convention Center hotel site.

Mayor Levine stated that what is going to happen is that the City is going to move forward with a process to engage a design firm to work on the Convention Center renovation. At the same time, under a separate process, City staff is going to look at potential land for the hotel.

Handout or Reference Materials:

1. Letter from Albert E. Dotson, Jr., Bilzin Sumberg Baena Price & Axelrod, LLP, dated January 14, 2014 RE: Circumvention of Exclusive Selection of SBACE as Master Developer of Miami Beach Convention Center Project.

2:36:25 p.m.

3:05:11 p.m.

R9C2 Update On The Miami Beach Convention Center Project.

(City Manager's Office)

ACTION: Update given. Item heard in conjunction with item R9C1. See action with R9C1.

Mayor Levine stated that this is one of the most important issues in Miami Beach. He recognized former Commissioners Jerry Libbin and Nancy Liebman and former Mayor Neisen Kasdin.

Jimmy L. Morales, City Manager, explained that in addition of going out for an RFP, they will identify critical elements that have to be done, they do not have accurate survey of the site, and in addition to beginning to start talking to financial advisors about structuring the financial aspects of this, an RFP will be worked out and other elements, and will probably come back next month with a timeline about what needs to be done and when it needs to get done. They met with the consultant and there was a presentation to make today, but they will defer that for another date for the brevity of time.

Vice-Mayor Weithorn stated that there is another meeting next week for Presentations and asked if the City Manager could present this item at that time. The presentation will be deferred to another date.

5:04:50 p.m.

R9D Discuss The Creation Of A Beach For Disabled Residents And Visitors To Miami Beach And A Referral To The Disability Access Committee.

(Commissioner Edward L. Tobin)

ACTION: Discussion held. Item referred to the Disability Access Committee. Motion made by Commissioner Tobin; seconded by Commissioner Grieco; Voice vote; 7-0. **Caroline DeFreze to place on the committee agenda.**

Jimmy L. Morales, City Manager, recognized Kathie G. Brooks for expediting this item during the holidays.

Commissioner Tobin met with Sabrina Cohen and for some time she has talked about great things for the disabled community. She pointed out that there is no beach for the disabled to access the beach. He would like to refer to the Disability Access Committee and allow staff to have an easier access to the beach.

12:05:17 p.m.

R9E The Committee Of The Whole Will Meet On January 15, 2014 In The City Manager's Office Large Conference Room To Discuss The 2014 City Commission Meeting Dates.
(City Clerk's Office)

ACTION: Discussion held.

The Committee of the Whole meeting commenced at 1:10 p.m. All members of the City Commission were present.

Rafael E. Granado, City Clerk, provided the members of the City Commission with proposed dates for the February through December 2014 Commission/RDA and Presentation, Awards and Alternate meetings that was developed by his office based on the Mayor's and Commissioners' schedules that had been provided to the Office of the City Clerk.

Rafael E. Granado, City Clerk, explained that the proposed schedule prepared by his office took into consideration the following events: U.S. Conference of Mayors; Miami-Dade County Days; Art Basel; ICMA Conference; August recess; September to set the tentative/final millage and budget approval; and Federal & Religious Holidays. Additionally, the Miami Beach Annual Boat Show is scheduled for February 13-17, with move-in scheduled to start on February 7-12 and move-out scheduled on February 18-22, which creates significant parking and traffic challenges for the City Hall area, so no meetings were scheduled at that time.

In order to assist with the discussion to set the 2014 Commission/RDA Meetings the following materials were distributed:

- List of legal and religious holidays;
- List of Jewish holidays; and
- List indicating dates that Commissioners have notified us that they are not available.

Vice Mayor Weithorn stated that many people travel during the Thanksgiving holiday, so she was not in agreement with setting the November Presentation, Awards and Alternative Meeting date on Wednesday, November 26, the day before Thanksgiving. By consensus, the members of the City Commission agreed to change the November Presentation, Awards and Alternative Meeting date to November 20, 2014, the day after the regular Commission/RDA meeting.

Commissioner Grieco stated that having two meetings a month in the morning, both the Commission/RDA meeting and the Presentation, Awards and Alternative Meeting date, would be disruptive to his business schedule. He suggested having the Presentation, Awards and Alternative Meeting commence at 5:00 p.m. There was consensus on this, as this would allow the public to attend these meetings after work. As the January 22, 2014 Presentation, Awards and Alternative Meeting start time was already advertised as commencing at 9:00 a.m., it would remain as is, but all other Presentation, Awards and Alternative Meetings will commence at 5:00 p.m.

Due to the Art Basel and U.S. Conference of Mayor's it was agreed that no Presentation, Awards and Alternative Meeting date would take place in June 2014.

The following is the schedule agreed upon:

**Commission Meetings
(Start at 8:30 a.m.) (Start at 5:00 p.m.)**

January 15 (Wednesday)
February 12 (Wednesday)
March 5 (Wednesday)
April 23 (Wednesday)
May 21 (Wednesday)
June 11 (Wednesday)
July 23 (Wednesday)
August - City Commission in recess
September 10 (Wednesday)
October 22 (Wednesday)
November 19 (Wednesday)
December 17 (Wednesday)

**Presentations & Awards Meetings
"Alternate Meetings"**

January 22* (Wednesday)
February 26 (Wednesday)
March 12 (Wednesday)
April 30 (Wednesday)
May 28 (Wednesday)
None
July 30 (Wednesday)
August - City Commission in recess
September 17 (Wednesday)
October 29 (Wednesday)
November 20 (Thursday)
December 18 (Thursday)

*The January 22 meeting will commence at 9:00 a.m.

9:10:44 a.m.

R9F Discussion Regarding Authorizing The City Of Miami Beach Parks And Recreation Department To Commence With The Planning Of A Skate Park On The Vacant Property Located Along Collins Avenue With A Northern Border Of 87th Street And A Southern Border Of 86th Street In Partnership With The City Of Surfside.
(Parks & Recreation)

ACTION: Discussion held. The City Commission agreed to have a Master Plan in place first before finding a location for a Skate Park. Jimmy Morales, City Manager, will issue an RFP and bring back to the February Commission Meeting. Approved by consensus. **John Rebar to handle.**

John Rebar, Parks and Recreations Department Director, explained the item, which is to authorize to move forward on a budgeted project. There have been \$400,000 budgeted in the Parks capital for the construction of the skate park. His mission was to find a location to bring this to fruition. With the partnership of the City of Surfside, the concept of a skate park was discussed, and is being brought to the Commission for direction. The area is between 86th and 87th Street lends itself well to this development. There is a second option on 87th Terrace, which is a smaller lot, but Surfside is interested in collaborating in the project in either of the properties. Daniel Dietch, Mayor from Surfside, is here to answer any questions.

Vice-Mayor Weithorn stated that there is an Open Space Park without a Master Plan; and she thinks they should have a Master Plan first before they do a skate park. She directed staff to do a Master Plan first and they should take a look at the big picture first.

Commissioner Malakoff concurs with Vice-Mayor Weithorn. She added that the Log Cabin and the Teen Center should go together, and does not think a skate park is the proper thing to have welcoming the people to the City, as it would be located near the City's entrance; she believes beautification of some sort in the area is in order.

Commissioner Tobin stated that both Vice-Mayor Weithorn and Commissioner Malakoff are correct, and added that it all depends on how large of a skate park they want. If it is a destination skate park for people all over South Florida it will be may not be the right thing, but if this is a local skate park for small children then it may be appropriate. They should have a Master Plan first.

Jimmy L. Morales, City Manager, stated that they walked the North Shore Open Space Park and the west lot on Christmas Eve along with members of staff and some members of the community, and he was surprised that there was not a Master Plan in place. They will come back with an RFP or RFQ. He explained that they wanted to be good neighbors with the City of Surfside and thought it was a good opportunity, but the decision does not need to be made today, and asked for direction.

Vice-Mayor Weithorn asked that they do things by looking at the big picture to be able to make smarter decisions. **City Manager's Office to handle.**

TO DO: Jimmy Morales, City Manager, will bring an RFP or RFQ at the next meeting for a Master Plan for this corridor on both sides of Collins.

Commissioner Wolfson asked if there is capacity for planners to do a Master Plan internally rather than outsourcing, which costs the City a lot of money. **City Manager's Office to handle.**

9:18:58 a.m.

New Item:

Commissioner Tobin addressed Daniel Dietch, Mayor of Surfside, and stated that there is an item on the agenda regarding our Junior High School (Nautilus Middle School) and in trying to make it the best in the country. They are committed to this and perhaps someone in the City will reach out to Surfside for support with the School Board. He thanked him for attending the Commission Meeting.

5:06:53 p.m.

R9G Status Updates On Initiatives To Mitigate The Impacts Of Alton Road Construction Project.
(City Manager's Office)

ACTION: Discussion held.

Jimmy L. Morales, City Manager, introduced the item.

Seth Frolich, representing Mandarin South Beach owner, stated that Saul Frances asked that they potentially open up the garage, and they are offering the City to use those spaces available in a valet parking option. They are happy to do so if it alleviates traffic.

Commissioner Grieco stated that this is great, and asked if they could talk to their client regarding mitigating the entrance to the actual property; buses related to hotel parked in the City blocking an entire lane of traffic is a problem, and he has not seen any changes.

Mr. Frolich stated that they are not responsible and a lot of times is people doing what they choose to do; they have loading places across the street, but with the traffic coming down West Avenue is significantly harder to operate, but they are doing everything in their power to mitigate.

5:09:12 p.m.

R9H Discussion Regarding Additional 2014 Community Satisfaction Survey Questions For Nautilus Middle School.

(City Manager's Office)

ACTION: Discussion held.

TO DO:

Come back next month with a proposal

Meet with the Superintendent of Schools, Mayor Levine and Administration

Commissioner Tobin introduced the item and proposed a professional survey in addition to the parent's survey. He wants to know who can tell them what are the best things that they can offer for the middle school in Miami Beach to make it the best in the country.

Jimmy L. Morales, City Manager, explained that they probably need the cooperation of the Miami-Dade County School Board to see if they conduct a survey. The question for a professional assessment of the school with suggestions of how to improve them may be best obtained from the School Board or from Dr. Leslie Rosenfeld.

Discussion held.

Commissioner Tobin stated that the School Board can have a choice to assist or not, but that they can always open a Charter School at the Convention Center.

Vice-Mayor Weithorn stated that she does not like surveys because by the time the City receives the data and it is discussed, is outdated data. She asked that they get a focus group, take money away from the survey and target this differently in order to act on it quickly.

Discussion held.

Dr. Leslie Rosenfeld explained that there are two issues discussed, first the focus group where they had proposed additional questions to the survey going out in a month; not all questions will be asked of all residents; this was done in partnership with Miami-Dade County School Board.

Discussion continued.

Commissioner Steinberg suggested finding out why parents pulled six graders students from the Miami Beach elementary school, as she wants as much feedback from these parents. **Dr. Leslie Rosenfeld to handle.**

Commissioner Tobin asked that this be done as soon as possible and as fast as possible. **Dr. Leslie Rosenfeld to handle.** Discussion continued.

Jimmy L. Morales, City Manager, stated that they do not need to adopt this item but they can come back next month with a proposal on focus groups that deal with both parents of children attending and those that have left the school.

Commissioner Tobin asked who will be delivering the message to the School Board and that they

need cooperation.

Jimmy L. Morales, City Manager, explained that they are having a meeting with the Assistant Superintendent next week and they will deliver this message. **City Manager's Office to handle.**

Mayor Levine stated that he will be glad to meet with the School Superintendent and transmit the message. **Dr. Leslie Rosenfeld to handle.**

Discussion held.

Commissioner Malakoff added that the reason that North Beach and South Pointe have been so successful is because of the involvement of the parents. In order to fast track this they need the parent's involvement. **Dr. Leslie Rosenfeld to handle.** Discussion continued.

Jimmy L. Morales, City Manager, stated that Administration will bring a proposal on focus groups. **City Manager's Office to handle.**

3:05:59 p.m.

- R9I Presentation Of A Summary Of The Study/Studies Conducted To Determine What Is Needed To Enhance The Miami Beach Convention Center (MBCC).
(Requested by Commissioner Micky Steinberg)

ACTION: Discussion held.

Jimmy L. Morales, City Manager, explained that they had a presentation to be made, but in the interest of time, this will be deferred to another day.

3:12:33 p.m.

- R9J Follow Up Discussion Regarding The Noise For Le Trianon Condo.
(Requested by Vice-Mayor Deede Weithorn)

ACTION: Item withdrawn by Vice-Mayor Weithorn.

5:21:48 p.m.

- R9K Discussion Regarding The Petition Presented By The Residents At 1446 Ocean Drive, Relating To The Lack Of Enforcement Of Ordinance 2011-3718.
(Requested by Commissioner Michael Grieco)

ACTION: Discussion held.

TO DO:

Administration to look at trucks parking illegally and City vehicles on Ocean Drive

Commissioner Grieco explained that they receive many calls and have received petitions regarding Ocean Drive. In the area of 14th and 15th Streets, there are many life quality issues that need to be addressed. He introduced Sonia Navarro and asked that she be heard on these issues. She is an advocate for that area.

Sonia Navarro thanked Commissioner Grieco for bringing this matter to the attention of the City Commission. She congratulated the new Mayor and Commissioners and thanked Vice-Mayor Weithorn, Wolfson and Tobin for six years of service. Ms. Navarro complained about the trucks that illegally park on Ocean Court in front of their building. She showed photographs to the City Commission of trucks parked illegally while delivering. The parking regulations are not being enforced in this area. She asked to get her quality of life back, not tomorrow but now. She thinks trucks that are repeated offenders should be given violations.

Discussion held.

Mayor Levine asked the City Manager to look at all trucks on Ocean Drive and City vehicles in reference to Sonia's complaint.

Vice-Mayor Weithorn stated that this is happening in the North Beach area also and it should be a moving violation.

Sonia Navarro spoke.

ADDENDUM MATERIAL 1:

R9L Discussion Regarding The Selection Of The Management Contract For The Tennis Facilities At North Shore Park And Flamingo Park.

(Requested by Commissioner Edward L. Tobin)

ACTION: Item deferred to the February 12, 2014 Commission Meeting. Lilia Cardillo to place on the Commission Agenda if received.

Handouts or Reference Materials:

1. Email from David R. Custin dated January 14, 2014 to Mayor Levine and City Commissioners, RE: Item R9L – Tennis management services at Flamingo Park & North Shore Park.
2. Second Email from David R. Custin dated January 14, 2014 to Mayor Levine and City Commissioners, RE: Item R9L – Tennis management services at Flamingo Park & North Shore Park.
3. Letter from David R. Custin & Associates, Inc., signed by David R. Custin, which includes over two dozen letters of support from Miami Beach residents.
4. Third Email from David R. Custin dated January 14, 2014 to Mayor Levine and City Commissioners, RE: Moved to February: Agenda Item R9L - Tennis management services at Flamingo Park & North Shore Park

3:44:18 p.m.

ADDENDUM MATERIAL 1:

R9M Discussion Concerning Distributive Antenna System (DAS) Nodes On The City's Public Right-Of-Way.

(Requested by Commissioner Jonah Wolfson)

ACTION: Discussion held. Motion made by Commissioner Wolfson for staff to begin drafting an ordinance with standards to control the amount and proliferation of these towers, and in the meantime for staff not to issue any permits. Motion seconded by Mayor Levine; Voice vote: 7-0. **City Attorney's Office to handle.**

Commissioner Wolfson introduced the item and explained that he was advised that the City is required to allow some level of construction of poles that help magnify cell phone signals. He had not heard about it until now. These posts are about 30 to 40 feet in height, and currently go before the boards. The City was going to sign the board application to go in front of the boards. He thought it would be a good idea to discuss and hear from the experts. The County discussed regulations to control the size and design of these poles, which is important to discuss if these are in the right of way.

Matthew Liebowitz, Esq., explained that cellular started in the 1980's and the system initially was designed to carry 25,000 people at the same time; over the years with the amount of people using cellular phones dramatically increased, the system is overburdened. At times when you get a drop call is because there is not enough spectrum available. The proposed system, "Distributed Antenna System" is two canopies, with the upper canopy to be able to carry the traffic high enough in design to pass from one cell to another, but there is a demand for fixed wireless, and signals will be segregated at a much lower level. DAS is one of the systems for purposes of picking up that type of signal, and as a result increase the capacity of the system. One of the pieces of legislation in Tallahassee provides that a service provider, someone giving wireless service to any user, has a right of access to the rights of rate, and the City has the right to manage. The City can do certain things in terms of its right of way. Once one person with one facility in the right of way gives a non-discriminatory, non-anti-competitive approach, the City will open the door for everybody else, and the City will have to be careful in setting the terms and conditions. To date, there are no systems approved or built in the City. There are other towers.

Commissioner Wolfson asked if they can pass ordinances restricting the size of these poles, and asked also how other cities handle the installation of DSA's.

Mr. Leibowitz explained that some cities are looking to what this is all about; going back in the Florida Statutes, a City cannot charge a communications service provider for being in the right of way, this is premised on the fact that they pay the FCC charges that then come back to municipalities. Some cities have different categories with different conditions and an annual fee (for non-service providers).

Discussion continued.

Commissioner Tobin stated that he does not want the towers and asked how many applications for towers have been received in the City.

Gary Held, First Assistant City Attorney, stated that they have applications for 39 sites. They filed preliminary applications for 39 sites and the company is Crown Castle.

Discussion continued.

Commissioner Tobin asked what needs to be done is to have the fewest towers possible and have control of them.

Mat Leibowitz suggested that the City adopt an ordinance and continue with the permits with conditions.

Motion made by Commissioner Wolfson for staff to begin drafting an ordinance with standards to control the amount and proliferation of these towers, and in the meantime for staff not to issue any permits.

Vice-Mayor Weithorn asked for input of the Design Review and Historic Preservation Boards, but Mr. Held explained that they have input from the boards.

Motion seconded by Mayor Levine; Voice vote: 7-0.

3:34:56 p.m.

ADDENDUM MATERIAL 2:

R9N Discussion Regarding ADA Compatibility Of The 1100 Block On Lincoln Road.
(Requested by Mayor Philip Levine)

ACTION: Discussion held.

Eric Carpenter, Public Works Director, explained that he is waiting for a proposal from the consultant, this could happen this week, and he will have an answer by the next Commission Meeting.

Commissioner Wolfson explained the item and the impact that this area has on the disabled community.

Mayor Levine stated that there are many disabled residents having a hard time getting into the theater and that area on Lincoln Road. They need to do better job with ADA compliance. He asked how fast they can have something on this.

R10 - City Attorney Reports

R10A City Attorney's Status Report.

(City Attorney Office)

ACTION: Status Report given.

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, January 15, 2014, In The City Manager's Large Conference Room, Fourth Floor, City Hall, For A Discussion Relative To Collective Bargaining.

ACTION: Announced and held.

Reports and Informational Items

1. Reports and Informational Items (see LTC 013-2014)
2. List of Projects Covered by the Cone of Silence Ordinance - LTC.
(Procurement)
3. Report From Commission Committees Of Withdrawn Items Not Heard Within (6) Six Months From Their Referral Date.
(City Clerk's Office)

End of Regular Agenda

Miami Beach Redevelopment Agency

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive

January 15, 2014

Chairperson of the Board Philip Levine
Member of the Board Michael Grieco
Member of the Board Joy Malakoff
Member of the Board Micky Steinberg
Member of the Board Edward L. Tobin
Member of the Board Deede Weithorn
Member of the Board Jonah Wolfson

Executive Director Jimmy L. Morales
Assistant Director Joe Jimenez
General Counsel Jose Smith
Secretary Rafael E. Granado

AGENDA

1:44:26 a.m.

1. NEW BUSINESS

- A A Resolution Of The Chairperson And Members Of The Miami Beach Redevelopment Agency (RDA), Setting The Dates For The Year 2014 Redevelopment Agency Meetings.
Joint City Commission & Redevelopment Agency
(City Clerk's Office)

ACTION: RDA Resolution 602-2014 adopted. Item heard in conjunction with R7A. Motion made by Board Member Tobin; seconded by Board Member Grieco; Voice-vote: 7-0.

Rafael E. Granado, City Clerk, announced that all members of the Redevelopment Agency are present.

See also R9E – Committee of the Whole.

Meeting adjourned at 5:35:27 p.m.