

MIAMI BEACH

Hybrid Commission/Presentations and Awards Meeting

City Hall, Commission Chamber, 3rd Floor

1700 Convention Center Drive, Miami Beach, FL 33139

Webinar: <https://miamibeachfl-gov.zoom.us/j/81392857671>

Telephones: 1.301.715-8592 (U.S.) or 1.888.475.4499 (Toll-Free)

Webinar ID: 81392857671#

February 9, 2022

8:30 a.m.

Mayor Dan Gelber

Commissioner Ricky Arriola

Commissioner Alex Fernandez

Commissioner Steven Meiner

Commissioner David Richardson

Commissioner Rosen Gonzalez

Commissioner Mark Samuelian

City Manager Alina T. Hudak

City Attorney Rafael A. Paz

City Clerk Rafael E. Granado

AFTER ACTION

Meeting called to order at **8:36:10 a.m.**

8:36:10 a.m.

Mayor Gelber explained the process for participating and for providing public comment during the Hybrid Commission Meeting and indicated the webpage to visit, the telephone numbers to call, and the location to go for participation.

City Clerk's Note:

On February 9, 2022, commencing at 8:30 a.m., the City of Miami Beach hosted a Hybrid Commission Meeting. During the Hybrid Commission Meeting, the City Commission was physically present in a socially distanced manner in the Commission Chamber, Miami Beach City Hall, 1700 Convention Center Drive, 3rd Floor, Miami Beach, FL 33139. Applicants and the public were encouraged to attend the meeting virtually (as provided below). However, members of the public who wished to attend the meeting or provide public comment in person appeared at the Commission Chamber. While at City Hall, members of the public had to wear facial coverings and observe social distancing, consistent with CDC guidance to limit the spread of COVID-19.

Observing the Commission Meeting:

The Commission Meeting was broadcast live on Miami Beach TV (MBTV), viewable on the City's website at <https://www.miamibeachfl.gov/government/mbtv/>, as well as on Atlantic Broadband Cable channel 660, AT&T U-verse channel 99, Hotwire Communications channel 395, and ROKU device on PEG.TV channel. Closed captioning displays of the audio portion of the Commission Meeting were available in English and Spanish on MBTV. The Commission Meeting was also be broadcast live on social media at

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<http://facebook.com/cityofmiamibeach>. Closed captioning displays of the audio portion of the Commission Meeting were available in English on Facebook.

Submitting written public comment before the Commission Meeting:

The public could submit written comments by sending an email to CityClerk@miamibeachfl.gov by 5:00 p.m. the day before the Commission Meeting. Any such emails were included as a part of the meeting record.

Providing spoken public comment during the Commission Meeting:

To participate or provide comment virtually during the Commission Meeting, the public could join the webinar at: <https://miamibeachfl-gov.zoom.us/j/81392857671> or via telephone at: 1.301.715.8592 (U.S.) or 888.475.4499 (Toll-Free). Webinar ID: 81392857671#. Members of the public wanting to speak virtually on an Item during the meeting, had to click the "raise hand" icon if using the Zoom app or press *9 on the telephone to raise their hand.

8:58:39 a.m.

An inspirational message was given by Alba Tarre.

8:59:41 a.m.

Pledge of Allegiance led by Bob Goodman.

SUPPLEMENTAL MATERIAL 1:

C7 A Amend ITB 2021-095-AY, North Beach Oceanside Park. CIP/PR
C7 E Amend Agmt w/ Bass Museum, STEAM Plus Program. (Gelber) ODPI
C7 Q Proceed w/Segment 2, West Avenue Improvement Project (North). (Samuelian) CA
C7 R Accept Donation of Funds for Plensa Sculpture. (Gelber) CA
C7 S Waive Special Event Fees for Model Volleyball Tournament. (Arriola)
R5 B 1:35 p.m. 2nd Rdg, Appendix A, Revise Fees on Bldg Permits. (Fernandez) BD
R5 C 1:40 p.m. 2nd Rdg, Ch. 58, Rental Housing/Tenancy Termination. (Fernandez) CA
R5 F 1st Rdg, Appendix A and Ch. 106, Parking Fees. (Richardson) PK
R5 P 1st Rdg, Alcoholic Beverages - Hours of Sale-On Premise Consumption. (Gelber) PL
R5 Q 1st Rdg, Ch. 6, Alcohol Hrs Sale/Art Deco Cul. Dist., Opt. A/No Exceptions. (Samuelian)CA
R5 R 1st Rdg, Ch. 6, Alcohol Hrs Sale/Art Deco Cul. Dist., Opt. B-Perform. Based. (Samuelian)CA
R5 S 1st Rdg, Ch. 6, Alcohol Hours of Sale, Alton Rd./West Ave. (Samuelian)

SUPPLEMENTAL MATERIAL 2:

R5 M 1st Rdg, Ch. 82, Reinstitute Voter Referendum Requirement. (Rosen Gonzalez) CA
R7 I Approve Management Policy for Internal Controls on Major Construction Projects. OIG/CM
R9 AA Discuss/Action, Maintenance of Traffic Issues on State/County-owned Roads. (Meiner)

SUPPLEMENTAL MATERIAL 3:

R7 J Diversity Initiative to Combat Antisemitism. (Rosen Gonzalez) CA

ADDENDUM MATERIAL 1:

C4 P Ref: LUSC/PB - CD-3 Height Increase to 80 Feet for Office Use. (Arriola)
C4 Q Ref: CCAB/PRFB - Future Vision of Pride Park. (Fernandez)
R5 T 1st Rdg, Ch. 6, Alcohol Hours of Sale, Spring Break High Impact Period. (Fernandez) CA
R9 AB Discuss Historic Oceanfront Hotels Awaiting Renovation. (Rosen Gonzalez)

ADDENDUM MATERIAL 2:

R9 AC Discuss/Presentation, Spring Break Safety Plan. (Rosen Gonzalez)
R9 AD Update on Venetian Islands Roadwork Project. (Rosen Gonzalez)

ADDENDUM MATERIAL 3:

R5 U 9:10 a.m. 1st Rdg, Ch. 6 Alcohol Hrs of Sale, No New 5 a.m. Estbmts (Rosen Gonzalez) CA

Clerk's Note: According to Ordinance 2015-3954, Sec. 2-12(3), addendum Agenda Items C4 P, C4 Q, R5 T, R9 AB, R9 AC, and R9 AD have been approved by Mayor Gelber to be placed on the Commission Agenda. No additional vote is required.

SEPARATED ITEMS:

Mayor Dan Gelber separated Items: C7 N.
Commissioner Ricky Arriola separated Items: C7 Q.
Commissioner Alex Fernandez separated Items: None.
Commissioner Steven Meiner separated Items: C7 O, C7 M, and C7 J.
Vice-Mayor David Richardson separated Items: C7 Q, C7 I, and C7 P.
Commissioner Rosen Gonzalez separated Items: C4 K and C7 M.
Commissioner Mark Samuelian separated Items: None.

9:01:57 a.m.

Comments from Mayor Gelber regarding late-filed Items:

Mayor Gelber has said this before, but he would like his colleagues to try to have their agendas Items in on the Wednesday before the Commission Meeting. He says that for two reasons. First, it is exceedingly difficult for the staff in the days before the Commission Meeting to keep drafting Items when they must conduct agenda reviews and do other work. Secondly, Mayor Gelber would like the public and interested parties to have an opportunity to weigh in. When an Item is placed on the Agenda one, two, or even three days before the meeting, rather than the week before the meeting, it is difficult. As a general rule, if an Item is time-sensitive, for instance, if the Legislature is taking action, and the Commission does not have another opportunity to weigh in, Mayor Gelber is always going to approve the addition of such a late-filed Item. Mayor Gelber approved all these because everyone on the dais was elected Citywide and each Commission has the right to have their issues heard. His concerns are from both a procedural and from a transparency standpoint. It is extremely difficult, such as in this case, when there are five, six, or seven Items that were late-filed. In the future, Mayor Gelber is going to be a little bit more difficult. He wanted to give his colleagues notice of that because it is fair for the Commissioners to know that if they want their Items heard, he is probably not going to accept all these late-filed Items. The Commission can of course, with 5 votes, add late-filed Items, but it does create a problem. It is difficult for the public to weigh in.

9:01:49 a.m.

Motion made by Commissioner Arriola to adopt the Consent Agenda, except for Separated Items, seconded by Commissioner Samuelian; Voice vote: 7-0.

Lunch recess was taken at 12:08:03 p.m.

CONSENT AGENDA

C2 - Competitive Bid Reports

- C2 A REQUEST FOR APPROVAL TO ISSUE REQUEST FOR PROPOSALS (RFP) 2022-019-ND FOR EMERGENCY MEDICAL TRANSPORT BILLING AND COLLECTION SERVICES.

Fire/Procurement

ACTION: Request approved. **Chief Fernandez and Alex Denis to handle.**

- C2 B REQUEST FOR APPROVAL TO AWARD A CONTRACT PURSUANT TO INVITATION TO BID (ITB) NO. 2022-095-DF, FOR PURCHASE AND DELIVERY OF AMMUNITION.

Police/Procurement

ACTION: Request approved. **Chief Clements and Alex Denis to handle.**

- C2 C REQUEST FOR APPROVAL TO AWARD A CONTRACT PURSUANT TO INVITATION TO BID (ITB) 2022-094-AY FOR MAINTENANCE OF STREETLIGHTING ON ALL ROADS WITHIN THE MIAMI BEACH LIMITS.

Public Works/Procurement

ACTION: Request approved. **Joe L. Gomez and Alex Denis to handle.**

- C2 D REQUEST FOR APPROVAL OF ROUTINE TERM RENEWAL OPTIONS, SERVICE/TASK ORDERS, OR CHANGE ORDERS FOR CITY AWARDED CONTRACTS.

Procurement

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

C4 - Committee Assignments

- C4 A REFERRAL TO THE LAND USE AND SUSTAINABILITY COMMITTEE AND HISTORIC PRESERVATION BOARD REGARDING A PROPOSED AMENDMENT TO CHAPTER 118, ARTICLE X OF THE LAND DEVELOPMENT REGULATIONS TO PROVIDE THAT, WHEN A CONTRIBUTING BUILDING IS DEMOLISHED WITHOUT A CERTIFICATE OF APPROPRIATENESS, THE PRESUMPTION SHALL BE THAT THE BUILDING MUST BE REPLICATED, IF CERTAIN CRITERIA ARE SATISFIED.

Office of the City Attorney
Deferred from January 20, 2022 - C4 AK
Commissioner Alex Fernandez

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

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Handouts or Reference Materials

1. Miami Beach United Resolutions For Commission Meeting of February 9, 2022 – C4 A - Supports.

C4 B REFERRAL TO THE LAND USE AND SUSTAINABILITY COMMITTEE - DISCUSSION REGARDING CRIMINAL PENALTIES FOR DEMOLITION BY NEGLECT.

Commissioner Alex Fernandez
Deferred from January 20, 2022 - C4 AL

ACTION: Item referred. **Eric Carpenter to place on the Committee Agenda. Office of the City Attorney, Ana Salgueiro, and Chief Clements to handle.**

C4 C REFERRAL TO THE FINANCE AND ECONOMIC RESILIENCY COMMITTEE TO DISCUSS THE SANITATION FIELD OBSERVATION REPORT MADE BY THE CITY OF MIAMI BEACH OFFICE OF INSPECTOR GENERAL REPORT 21-43.

Commissioner Mark Samuelian

ACTION: Item referred. **John Woodruff to place on the Committee Agenda. Joe L. Gomez and Joseph M. Centorino handle.**

C4 D REFERRAL TO THE FINANCE AND ECONOMIC RESILIENCY COMMITTEE A REQUEST FOR MATCHING FUNDS FOR THE MIAMI BEACH SENIOR HIGH SCHOOL MARCHING BAND UNIFORMS.

Vice-Mayor David Richardson
Co-sponsored Commissioner Rosen Gonzalez

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

C4 E REFERRAL TO THE FINANCE AND ECONOMIC RESILIENCE COMMITTEE TO DISCUSS THE MIAMI BEACH SENIOR HIGH SCHOOL PTSA'S REQUEST FOR FUNDING IN THE AMOUNT OF \$25,000 FROM THE CITY OF MIAMI BEACH FOR HALF THE COST OF A NEW ATHLETIC SCOREBOARD TO MATCH THE FUNDING PLEDGED BY THE MIAMI DOLPHINS.

Mayor Dan Gelber

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

C4 F REFERRAL TO THE FINANCE AND ECONOMIC RESILIENCE COMMITTEE TO DISCUSS THE REQUEST OF THE MIAMI BEACH CHAMBER OF COMMERCE FOR THE CITY OF MIAMI BEACH TO PROVIDE A ONE-TIME CONTRIBUTION OF \$100,000 IN FUNDING TOWARDS THE COST OF IMPLEMENTING A "PRO START" HOSPITALITY TRAINING PROGRAM AT MIAMI BEACH SENIOR HIGH SCHOOL.

Mayor Dan Gelber

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

C4 G REFERRAL TO THE FINANCE AND ECONOMIC RESILIENCY COMMITTEE TO EXPLORE DIFFERENT FINANCIAL AND FUNDING MODELS FOR RENOVATING OR BUILDING A NEW BYRON CARLYLE THEATER, INCLUDING THE FOLLOWING OPTIONS: (1) A STAND-ALONE CITY-OWNED PROJECT BUILT ENTIRELY BY THE CITY WITH THE CITY'S OWN FUNDS; (2) A PRIVATELY FUNDED LONG-TERM LEASE PROJECT, WITH THE CITY TO CONTROL THE GROUND FLOOR CULTURAL ARTS SPACE; AND (3) A CITY-OWNED PROJECT, DEVELOPED AS A PUBLIC-PRIVATE PARTNERSHIP WITH PROJECT REVENUE BONDS (AND NO SALE OR LEASE OF THE PROPERTY); AND (4) OTHER OPTIONS THAT MAY BE IDENTIFIED, WITH ALL OF THE FOREGOING OPTIONS TO IDENTIFY FUNDING SOURCES AND PUBLIC OR PRIVATE FINANCING ALTERNATIVES.

Vice-Mayor David Richardson

ACTION: Item referred. **John Woodruff to place on the Committee Agenda. Adrian Morales to handle.**

C4 H REFERRAL TO THE NEIGHBORHOOD AND QUALITY OF LIFE COMMITTEE TO DISCUSS THE WAYS THAT THE CITY MAY WORK WITH THE MIAMI CENTER FOR MENTAL HEALTH AND RECOVERY.

Commissioner Mark Samuelian

ACTION: Item referred. **Mark Taxis to place on the Committee Agenda. Alba Tarre to handle.**

C4 I REFERRAL TO THE NEIGHBORHOOD AND QUALITY OF LIFE COMMITTEE TO DISCUSS THE POSSIBILITY OF A DOG WATER PARK AND ACTIVATION AREA ON THE WEST LOTS SITE.

Commissioner Kristen Rosen Gonzalez

ACTION: Item referred. **Mark Taxis to place on the Committee Agenda. John Rebar to handle.**

C4 J REFERRAL TO THE NEIGHBORHOOD AND QUALITY OF LIFE COMMITTEE TO DISCUSS FENCING IN THE "TOT LOT" ON PALM ISLAND.

Commissioner Kristen Rosen Gonzalez

ACTION: Item referred. **Mark Taxis to place on the Committee Agenda. John Rebar to handle.**

10:24:41 p.m.

C4 K REFERRAL TO THE NEIGHBORHOOD AND QUALITY OF LIFE COMMITTEE TO CONSIDER AMENDING THE CITY CODE TO ESTABLISH REGULATIONS FOR SINGLE-FAMILY RESIDENTIAL DISTRICT PARKING ALONG TWO-WAY ROADS AND SWALE AREAS.

Office of the City Attorney
Commissioner Alex Fernandez

ACTION: Item referred. Item separated by Commissioner Rosen Gonzalez. Item approved by

acclamation. Vote: 7-0. **Mark Taxis to place on the Committee Agenda. Jose Gonzalez to handle.**

No discussion was held.

- C4 L REFERRAL TO THE NEIGHBORHOOD AND QUALITY OF LIFE COMMITTEE, FOR AN UPDATE REGARDING THE CITY'S SHORT-TERM RENTAL ENFORCEMENT EFFORTS FOLLOWING THE RECENTLY APPROVED BUDGET ENHANCEMENTS FOR ADDITIONAL CODE COMPLIANCE STAFF AND ADOPTION OF STRICTER SHORT-TERM RENTAL REGULATIONS, INCLUDING A DISCUSSION OF HOW THE CITY COULD ENHANCE ITS MONITORING OF SHORT-TERM RENTAL OPERATORS, INCLUDING WITH RESPECT TO PAYMENT OF ALL REQUIRED CITY AND STATE SALES TAXES, IN ORDER TO TAKE APPROPRIATE ENFORCEMENT ACTION AND ENSURE COMPLIANCE WITH ALL LAWS.

Commissioner Steven Meiner

ACTION: Item referred. **Mark Taxis to place on the Committee Agenda. Hernan Cardeno to handle.**

- C4 M REFERRAL TO THE FEBRUARY 2022 NEIGHBORHOOD AND QUALITY OF LIFE COMMITTEE MEETING TO CONSIDER THE RE-NAMING OF INDIAN BEACH PARK, LOCATED AT 4601 COLLINS AVENUE, AS "MID-BEACH PARK."

Commissioner Steven Meiner

ACTION: Item referred. **Mark Taxis to place on the Committee Agenda. John Rebar to handle.**

- C4 N REFERRAL TO THE FEBRUARY 2022 NEIGHBORHOOD AND QUALITY OF LIFE COMMITTEE MEETING TO EXPLORE THE DESIGNATION OF THE VACANT CITY-OWNED PROPERTY LOCATED AT 6181 PINE TREE DRIVE AS A PUBLIC PARK FOR ACTIVE RECREATIONAL USES, AS ONE OPTION WHICH SHOULD BE CONSIDERED BY THE CITY COMMISSION ALONG WITH ANY OFFERS FOR THE PURCHASE OF THE PROPERTY.

Commissioner Steven Meiner

ACTION: Item referred. **Mark Taxis to place on the Committee Agenda. Adrian Morales to handle.**

- C4 O REFERRAL TO THE CULTURAL ARTS COUNCIL TO DISCUSS WAYS THE CITY CAN RESTRUCTURE THE FEE WAIVER PROGRAM FOR CULTURAL ARTS PROGRAMMING.

Vice-Mayor David Richardson

ACTION: Item referred. **Brandi Reddick to place on the Committee Agenda. Lissette Garcia Arrogante to handle.**

- C4 P REFERRAL TO THE LAND USE AND SUSTAINABILITY COMMITTEE AND THE PLANNING BOARD TO DISCUSS A HEIGHT INCREASE TO 80 FEET FOR OFFICE SPACE IN THE CD-3 DISTRICT ON WASHINGTON AVENUE BETWEEN LINCOLN ROAD AND 17TH STREET.

Commissioner Ricky Arriola

Addendum added on 2/4/2022
(Approved by Mayor Gelber)

ACTION: Item dual-referred. **Eric Carpenter to place on the Land Use Sustainability Committee Agenda and Rogelio Madan to place on the Planning Board Agenda. Thomas Mooney to handle.**

C4 Q DUAL REFERRAL TO THE CONVENTION CENTER ADVISORY BOARD AND PARKS AND RECREATIONAL FACILITIES BOARD, FOR A DISCUSSION OF THE FUTURE VISION OF PRIDE PARK.

Commissioner Alex Fernandez
Addendum added on 2/4/2022
(Approved by Mayor Gelber)

ACTION: Item dual-referred. **Lisette Garcia Arrogante to place on the Convention Center Advisory Board Agenda and Cynthia Casanova to place on the Parks and Recreational Facilities Board Agenda. Lisette Garcia Arrogante to handle.**

C7 – Resolutions

C7 A A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE AWARD OF A CONTRACT TO BUSLAM PARTNERS INC., PURSUANT TO INVITATION TO BID (ITB) NO. 2021-095-AY, FOR NORTH BEACH OCEANSIDE PARK.

Capital Improvement Projects/Procurement
Supplemental updated on 2/4/2022
(Memorandum)

ACTION: Resolution 2022-32026 adopted. David Martinez and Alex Denis to handle.

Handouts or Reference Materials

1. Email from Bruce Derek, DBruce@gunster.com, Date: February 8, 2022, RE: JRT Construction Co. Formal Protest of Modified Recommended Award – ITB 2021-095 AY. Attachment: Formal Written Protest.

C7 B A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ELECTING COMMISSIONER KRISTEN ROSEN GONZALEZ, GROUP I, AS VICE-MAYOR, FOR A TERM COMMENCING ON MARCH 1, 2022 AND TERMINATING ON JUNE 30, 2022.

Office of the City Clerk

ACTION: Resolution 2022-32027 adopted. Rafael E. Granado to handle.

- C7 C A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH MIAMI BEACH GARDEN CONSERVANCY, INC (THE "CONSERVANCY") FOR THE MANAGEMENT AND OPERATION OF THE NORTH BEACH COMPOSTING PROGRAM DURING FY 2021/2022, IN AN AMOUNT NOT TO EXCEED \$50,000; AND FURTHER APPROVING THE CONTINUED OPERATION OF THE PROGRAM BY THE CONSERVANCY IN FUTURE YEARS, IN AN AMOUNT NOT TO EXCEED \$50,000 PER FISCAL YEAR, SUBJECT TO FUNDING APPROVAL DURING THE CITY'S ANNUAL BUDGETARY PROCESS.

Environment and Sustainability

ACTION: Item was withdrawn.

- C7 D A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE CITY MANAGER, PURSUANT TO REQUEST FOR QUALIFICATIONS (RFQ) NO. 2022-015-WG INVESTIGATION, BACKGROUND, ADJUSTING, AND SURVEILLANCE OF SELECTED TORT LIABILITY CLAIMS, WORKERS' COMPENSATION CLAIMS, AND OTHER EMPLOYMENT RELATED MATTERS; AUTHORIZING THE ADMINISTRATION TO ENTER NEGOTIATIONS WITH THE FOLLOWING FIRMS TO ESTABLISH A POOL OF FIRMS UNDER THE RFQ: S.K.1., INC., AS THE FIRST RANKED PROPOSER; INFOQUEST INFORMATION SERVICES, LTD, LLC, AS THE SECOND-RANKED PROPOSER; AND CROSSROAD SDI DBA CROSSROADS INVESTIGATIONS AND DIGISTREAM SOUTH FLORIDA, INC. AS THE THIRD-RANKED PROPOSERS (TIED); AND FURTHER AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE AGREEMENTS WITH EACH OF THE FOREGOING PROPOSERS UPON CONCLUSION OF SUCCESSFUL NEGOTIATIONS BY THE ADMINISTRATION.

Human Resources/Procurement

ACTION: Resolution 2022-32028 adopted. Marla Alpizar and Alex Denis to handle.

- C7 E A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT NO. 1 TO THE GRANT AGREEMENT, DATED SEPTEMBER 20, 2021, WITH THE FRIENDS OF THE BASS MUSEUM, INC (THE BASS), FOR THE IMPLEMENTATION OF THE MIAMI BEACH SCIENCE, TECHNOLOGY, ENGINEERING, ARTS, AND MATHEMATICS ("STEAM") PLUS PROGRAM FOR PUBLIC SCHOOLS (KINDERGARTEN - 12TH GRADE); SAID AMENDMENT MODIFYING THE PROGRAM BUDGET FOR THE 2021-2022 SCHOOL YEAR FOR TWO (2) EXISTING CULTURAL PARTNERS, WOLFSONIAN - FIU AND THE JEWISH MUSEUM OF FLORIDA, AND ADDING THE MIAMI CHILDREN'S MUSEUM, INC. AND CODEART, INC. TO THE POOL OF APPROVED CULTURAL INSTITUTIONS FOR THE PROGRAM, DETAILS OF WHICH ARE SET FORTH IN EXHIBIT "A" ATTACHED TO THIS RESOLUTION.

Organizational Development Performance Initiatives

Mayor Dan Gelber

Supplemental updated on 2/4/2022

(Resolution)

ACTION: Resolution 2022-32029 adopted. Dr. Leslie Rosenfeld to handle.

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- C7 F A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, EXTENDING, ON A MONTH-TO-MONTH BASIS, THE CURRENT TOWING PERMITS WITH THE CITY'S TWO (2) TOWING PERMITTEES, BEACH TOWING SERVICES, INC. AND TREMONT TOWING, INC., RESPECTIVELY, WHICH ARE CURRENTLY SET TO EXPIRE ON FEBRUARY 28, 2022, FOR A PERIOD NOT TO EXCEED THREE (3) MONTHS, OR UNTIL MAY 28, 2022.

Parking

ACTION: Resolution 2022-32030 adopted. Monica Beltran to handle.

- C7 G A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, RATIFYING THE MAYOR'S APPOINTMENT OF COMMISSIONER DAVID RICHARDSON AS THE CITY'S DESIGNEE TO THE MIAMI-DADE TRANSPORTATION PLANNING ORGANIZATION GOVERNING BOARD.

Mayor Dan Gelber

ACTION: Resolution 2022-32031 adopted. Michele Burger to handle.

- C7 H A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, DIRECTING THE CITY ADMINISTRATION TO ENGAGE AN INDEPENDENT CONSULTANT TO CONDUCT A HOTEL ROOM MARKET STUDY WHICH SHALL INCLUDE ANALYSIS AND RECOMMENDATIONS OF THE MAXIMUM NUMBER OF HOTEL ROOMS AND SHORT-TERM RENTALS WHICH MAY BE ACCOMMODATED IN THE CITY OF MIAMI BEACH WITHOUT COMPROMISING INTERESTS OF RESIDENTS IN MAINTAINING THEIR QUALITY OF LIFE, AND THE PRESERVATION OF THE ENVIRONMENT; AND AS PART OF THE STUDY, TO INCLUDE UPDATED DATA WITH REGARD TO: (1) THE TOTAL NUMBER OF EXISTING HOTEL ROOMS IN THE CITY, (2) EXISTING REGISTERED SHORT-TERM RENTAL UNITS AVAILABLE FOR TRANSIENT RENTALS IN THE CITY, (3) HOTEL DEVELOPMENT PROJECTS CURRENTLY UNDER CONSTRUCTION THROUGHOUT THE CITY, AND (4) HOTEL DEVELOPMENT PROJECTS FOR WHICH LAND USE APPLICATIONS HAVE BEEN SUBMITTED FOR PLANNING REVIEW.

Office of the City Attorney
Deferred from January 20, 2022 R7 S
Commissioner Kristen Rosen Gonzalez

ACTION: Resolution 2022-32032 adopted. Rickelle Williams to handle.

10:31:00 p.m.

C7 I A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, DIRECTING THE CITY ADMINISTRATION AND CITY ATTORNEY'S OFFICE TO INCLUDE A 2:00 A.M. TERMINATION TIME FOR THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES IN OUTDOOR AREAS ON PRIVATE PROPERTY, WITHOUT EXCEPTION, IN THE COMPREHENSIVE ALCOHOL LEGISLATION TO BE PREPARED AT THE DIRECTION OF THE CITY COMMISSION AT ITS JANUARY 12, 2022 MEETING.

Office of the City Attorney
Commissioner Alex Fernandez

ACTION: Item Withdrawn by Commissioner Fernandez. Item separated by Vice-Mayor Richardson. **See discussion with Items R5 P, R5 Q, R5 S, R5 T, R5 U, R9 E, R9 F, and R9 G.**

Mayor Gelber stated that he believes this request was included in the 2 a.m. alcohol rollback discussion.

Commissioner Fernandez stated that this legislation states that outdoor areas in the City with a midnight closing of liquor sales would not be moved forward with the 2:00 a.m. rollback, they would maintain their midnight closing hours.

Vice-Mayor Richardson stated that he believes this provision was included in Item R5 P.

City Attorney Paz replied that this is included in all Ordinances related to alcohol today.

Item Withdrawn by Commissioner Fernandez.

Handouts or Reference Materials

1. Miami Beach United Resolutions For Commission Meeting of February 9, 2022 – C7 I - Supports.

10:24:53 p.m.

C7 J A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF MIAMI BEACH, FLORIDA, URGING THE FLORIDA LEGISLATURE TO REJECT SENATE BILL 146 AND ITS COMPANION BILL, HOUSE BILL 5, SEEKING TO BAN ABORTIONS AFTER FIFTEEN WEEKS; AND FURTHER URGING THE FLORIDA LEGISLATURE TO REJECT ANY OTHER PROPOSED BILLS IN THE UPCOMING 2022 LEGISLATIVE SESSION THAT SEEK TO CURTAIL THE FUNDAMENTAL RIGHT TO REPRODUCTIVE FREEDOM; AND DIRECTING THE CITY CLERK TO TRANSMIT THIS RESOLUTION TO THE PRESIDENT OF THE FLORIDA SENATE, AND THE SPEAKER OF THE FLORIDA HOUSE OF REPRESENTATIVES.

Office of the City Attorney
Commissioner Kristen Rosen Gonzalez

ACTION: Resolution 2022-32033 adopted. Item Separated by Commissioner Meiner. Motion to approve the Resolution made by Vice-Mayor Richardson; seconded by Commissioner Rosen Gonzalez. Vote: 6-1. Opposed: Commissioner Meiner. **Judy Hoanshelt and Marcia Monserrat to handle.**

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Commissioner Meiner stated that this Item is like the anti-Semitism referral that he opposed because he believes the City of Miami Beach cannot legislate or regulate this issue. As a City, we do not have the jurisdiction or authority over these matters. He cited the memorandum he presented on May 12,

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2021, which cites seven reasons why he will not vote in favor of these types of items. He will also refer to his statement at the September 17, 2021, City Commission meeting.

Mayor Gelber asked the sponsor of the Item, Commissioner Rosen Gonzalez, whether she had any statements to make.

Commissioner Rosen Gonzalez stated that as the only woman on the City Commission she believes this Item is truly relevant. The Legislators who pass these laws are usually men who like to tell women what to do with their bodies. She respects people who believe in the right to life, but something like this new bill from the State Legislature is so egregious that it could hinder a woman's ability to choose. This law would not allow abortions after 15 weeks. She mentioned that 4,300 abortion cases between 13 and 24 weeks involve rape and incest. Fetal abnormalities were found in 469 abortion cases between 13 and 24 weeks. She addressed Commissioner Meiner, just as he wants the City of Miami Beach to intervene and change the Florida Constitution to get local judges, Miami Beach should ask the State to change the Constitution to support a woman's right to choose.

Commissioner Meiner stated that Commissioner Rosen Gonzalez is the second Commissioner after Commissioner Arriola to question the intent he has in changing the Florida Constitution. He believes Miami Beach should have its own judges to oversee the prosecution of criminals whom he believes Miami-Dade County is not prosecuting enough. This has a direct impact on Miami Beach. Miami Beach could have its own judges elected in this City in charge of carrying out justice. Currently, we may have judges who live as far as Doral who oversee Miami Beach court cases. It is like how one must reside in Miami Beach to be a Commissioner of Miami Beach. He wants something like that to apply to judges. He does not want to get into the merits of this Item. He does not believe the City can legislate or regulate this legislation.

Discussion held.

Commissioner Rosen Gonzalez stated that the proposed State legislation would impact women in Miami Beach because if they find an abnormality in the fetus at 16 weeks, they would not be able to do something about it. There are times we need to speak out on these Items so that the State Legislators know our position. She will take into consideration Commissioner Meiner's memorandum for future items.

Motion to approve the Resolution made by Vice-Mayor Richardson; seconded by Commissioner Rosen Gonzalez.

Vice-Mayor Richardson asked for the record to show that he made the original motion for Commissioner Rosen Gonzalez's Item.

C7 K A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, URGING THE FLORIDA LEGISLATURE TO PASS SENATE BILL 1420, AND ITS SIMILAR COMPANION BILL, HOUSE BILL 1213, WHICH WOULD AMEND FLORIDA STATUTE 119.071 BY PROVIDING VARIOUS EXEMPTIONS FROM THE FLORIDA PUBLIC RECORDS LAW WITH REGARD TO THE PERSONAL IDENTIFYING AND LOCATION INFORMATION OF CURRENT AND FORMER CITY AND COUNTY ATTORNEYS; ASSISTANT CITY AND COUNTY ATTORNEYS; AND THEIR SPOUSES AND CHILDREN, ALONG WITH THE PLACES OF EMPLOYMENT, SCHOOLS, AND DAYCARE FACILITIES OF THEIR SPOUSES AND CHILDREN; AND DIRECTING THE CITY CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE PRESIDENT OF THE FLORIDA SENATE AND THE SPEAKER OF THE FLORIDA HOUSE OF REPRESENTATIVES.

Office of the City Attorney
Mayor Dan Gelber

ACTION: Resolution 2022-32034 adopted. Judy Hoanshelt and Marcia Monserrat to handle.

C7 L A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, STRONGLY OPPOSING SENATE BILL 280 AND HOUSE BILL 403, BOTH OF WHICH SEEK TO ENABLE INDIVIDUALS TO FILE FRIVOLOUS LAWSUITS CHALLENGING COUNTY AND MUNICIPAL ORDINANCES, AND WHICH WOULD SEVERELY RESTRICT COUNTIES AND MUNICIPALITIES IN THE EXERCISE OF THEIR LEGISLATIVE POWERS AND GENERAL POWERS TO PROTECT THE HEALTH, SAFETY, AND WELFARE OF THEIR CITIZENS; AND DIRECTING THE CITY CLERK TO SEND A COPY OF THIS RESOLUTION TO THE SPEAKER OF THE FLORIDA HOUSE OF REPRESENTATIVES, AND THE PRESIDENT OF THE FLORIDA SENATE.

Office of the City Attorney
Commissioner Alex Fernandez

ACTION: Resolution 2022-32035 adopted. Judy Hoanshelt and Marcia Monserrat to handle.

10:33:10 p.m.

C7 M A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY ADMINISTRATION TO EXPLORE THE POSSIBILITY OF HOSTING CITY COMMISSION COMMITTEE MEETINGS, AND IN PARTICULAR, THE PUBLIC SAFETY AND NEIGHBORHOOD QUALITY OF LIFE COMMITTEE MEETINGS, IN NORTH BEACH.

Office of the City Attorney
Commissioner Alex Fernandez

ACTION: Resolution 2022-32036 adopted as amended by acclamation. Vote: 7-0. Item separated by Commissioner Rosen Gonzalez and Commissioner Meiner. Michele Burger, Marcia Monserrat, and Melissa Berthier to handle.

AMENDMENT:

Have the Administration look into possibilities of hosting Commission Committee meetings in North Beach, in particular the Neighborhood and Quality of Life Committee.

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Commissioner Rosen Gonzalez stated that she likes the idea of hosting meetings in North Beach, however, there are some restrictions due to the access to computers, print-outs, and offices here in City Hall. Not to mention the difficulty of getting telecommunications equipment adjusted in an unspecified venue in North Beach.

Mayor Gelber stated that he has an idea. He agreed with Commissioner Rosen Gonzalez that the logistics for a Commission meeting in North Beach is difficult, there is currently no good venue that offers easy access for staff and residents, and most importantly parking is not adequate. He would like to see if perhaps one of the Commission Committees could meet in North Beach from time to time, perhaps they could begin with the Neighborhood and Quality of Life Committee.

Commissioner Fernandez thanked Mayor Gelber and Commissioner Rosen Gonzalez for their comments and he concurs with them.

Vice-Mayor Richardson stated that perhaps the new 72nd Street parking garage and community room could one day be used to host Commission meetings in North Beach.

8:24:50 p.m.

C7 N A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF MIAMI BEACH, FLORIDA, DIRECTING THE CITY ADMINISTRATION TO ISSUE A COMPETITIVE SOLICITATION FOR TREE VENDORS TO ACTIVATE AND USE THE CITY'S WEST LOTS (OR PORTIONS THEREOF), FOR THE SALE OF FRESH-CUT TREES (CHRISTMAS TREES AND HANUKKAH BUSHES) DURING THE DECEMBER 2022 HOLIDAY SEASON.

Office of the City Attorney
Commissioner Kristen Rosen Gonzalez

ACTION: Resolution 2022-32037 adopted by acclamation. Vote: 7-0. Item separated by Mayor Gelber. Alex Denis to handle.

Mayor Gelber stated that he separated this Item because he received an email from a resident who believed the measure of how the City will have holiday tree vendors in Miami Beach is a Citizen's Right to Know Item. This Item could perhaps go to Committee so that residents can fully discuss and provide their opinion on it.

Commissioner Rosen Gonzalez stated that there is currently no place on the barrier island from Miami Beach to Golden Beach to buy Christmas trees. If someone wants to buy a Christmas tree, they must go over the causeways and tie it to the roof of the car, which can be a dangerous and scary experience. Miami Beach used to allow vendors to sell Christmas trees at the Log Cabin, but that was dismantled five years ago. She believes this is something residents would appreciate.

Mayor Gelber asked Commissioner Rosen Gonzalez if she would call the resident who sent him the email regarding this Item. **Monica Salinas to handle.**

Commissioner Rosen Gonzalez agreed to call the resident.

Vice-Mayor Richardson asked whether this is a competitive procurement.

Commissioner Rosen Gonzalez replied that it is.

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Vice-Mayor Richardson replied that he likes competition, and believes they get better results with it.

Commissioner Rosen Gonzalez asked the City Commission to try and get a Christmas tree vendor.

Commissioner Arriola stated that there are options for buying Christmas trees in Miami Beach. He goes to Publix supermarket and buys his Christmas tree there.

Commissioner Rosen Gonzalez stated that Publix has limited space for trees and the trees they sell are small when compared to other vendors.

Commissioner Arriola stated that the trees are replenished every night.

Mayor Gelber stated that this Item will be approved unanimously and there is no need to further conversation on it.

Handouts or Reference Materials

1. Emails from Ariana H. Reguant, Ph.D., nobefacts@gmail.com, Date: February 8, 2022, RE: People Right to Know Resolution C7 N.

8:30:23 p.m.

C7 O A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, DIRECTING THE CITY ADMINISTRATION TO OBTAIN AN ACTUARIAL STUDY TO AID IN DETERMINING THE FISCAL IMPACT ASSOCIATED WITH PROVIDING HEALTH INSURANCE BENEFITS COMMENCING ON THE FIRST DAY OF EMPLOYMENT FOR ALL NEW, ELIGIBLE CLASSIFIED AND UNCLASSIFIED CITY EMPLOYEES (EXCLUDING FIRE AND POLICE BARGAINING UNIT EMPLOYEES); AND FURTHER, DIRECTING THE CITY ADMINISTRATION TO PRESENT ITS FINDINGS TO THE MAYOR AND CITY COMMISSION AS PART OF THE FISCAL YEAR 2023 BUDGET PROCESS, INCLUDING ALL COSTS ASSOCIATED WITH THIS HEALTH BENEFIT, AS WELL AS FUNDING SOURCES AND A PLAN FOR IMPLEMENTATION.

Office of the City Attorney
Commissioner Alex Fernandez

ACTION: Resolution 2022-32038 adopted by acclamation. Vote: 7-0. Item Separated by Commissioner Meiner. Marla Alpizar to handle.

Commissioner Meiner asked whether there are any additional expenses associated with this Item.

Sonia Walker, Division Director of Risk Management, stated that the Human Resources Department does not have any additional costs associated with this study. The City has a vendor that provides consulting services for the medical plan and every year the Human Resources Department has quarterly meetings with them on costs and projections for each plan throughout the year. This is just an ask for the regular studies of our plans.

Commissioner Meiner asked whether after the study this project would come before the City Commission for approval.

Ms. Walker replied yes.

Commissioner Meiner asked whether it is a “yes” just for the study.

Ms. Walker replied yes.

Vice-Mayor Richardson stated that this is a good idea. There will eventually be an additional cost, but this is a good idea for our employees.

Commissioner Fernandez stated that they must incorporate information into the 2023 Fiscal Year Budget. It is timely to bring this Item forward as health insurance has become more important to our employees, COVID-19 has highlighted its importance. If an employee comes from another job to join the City that employee may be covered by COBRA, but if that person were unemployed, they could not.

8:32:54 p.m.

C7 P A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, DIRECTING THE CITY ADMINISTRATION TO FURTHER ENHANCE THE CITY'S CURRENT STRATEGIES RELATING TO CLEANLINESS AND PUBLIC SANITATION NEEDS IN NORTH BEACH, INCLUDING INCREASING THE PRESENCE OF SANITATION PERSONNEL IN NORTH BEACH WHERE FEASIBLE, AND PRIORITIZING INCREASED LEVELS OF SERVICE AND FUNDING FOR NORTH BEACH AS PART OF THE FY2023 BUDGET PROCESS, IN AN EFFORT TO IMPROVE THE APPEARANCE OF PUBLIC AREAS THROUGHOUT NORTH BEACH.

Office of the City Attorney
Commissioner Kristen Rosen Gonzalez

ACTION: Resolution 2022-32039 adopted by acclamation. Vote: 7-0. Item separated by Vice-Mayor Richardson. Joe L. Gomez to handle.

Vice-Mayor Richardson stated that he separated this Item because we all want our communities to be as clean as possible, but he was unsure what the ask of the Item was and whether there would be a fiscal impact.

Mayor Gelber stated that he did not separate the Item, however, he does have a question. He does not mind telling staffers to do better in certain areas of the City, but when it says to “prioritize” he believes it means at the expense of other areas. He wants to make sure all areas and resources are distributed equally in the City. He wants to make sure City staffers know when it says prioritize North Beach, it should not be at the expense of Mid Beach or South Beach.

Commissioner Rosen Gonzalez stated that she started working on this when she had conversations with residents who told her that cleaning crews from North Beach go to South Beach when there are special events, and North Beach suffers from this. The current model has a five-day cleaning crew. She is proposing having a seven-day rotation in all parts of the City. Currently, we do not have enough staff to take care of the City's sanitation needs so we are not backed up. Trash cans need to be emptied daily, and adding extra members for this effort would greatly pay off.

Joe L. Gomez, Public Works Director, stated that the issue is to try and enhance and provide additional services to some of the corridors in North Beach. Currently, 71st Street and Harding Street are on a five-day schedule, this new measure would increase that to a seven-day schedule, which would require an additional nine employees to be able to properly staff and rotate into other areas of North Beach.

Mayor Gelber asked whether there is an area being neglected at the moment.

Mr. Gomez replied that there is not.

Mayor Gelber stated that there are only so many people and work hours. Before the City Commission directs staff, he would like to know the impact.

City Manager Hudak stated that this is the result of two years of significant cutbacks in the area. As a result, the Department has resulted in focusing on specific areas. We all anticipate the economic situation to improve from the last two years. Commissioner Rosen Gonzalez directed staff to do this, but due to its significant budgetary impact, she asked to do it within the next budget cycle, and the Commissioner agreed.

Vice-Mayor Richardson stated that he appreciates the clarification, but it appears to him that there is an ask for funding increase between \$250,000 and \$350,000. Would this be a referral to the Finance and Economic Resiliency Committee to be included in the next budget cycle?

City Manager Hudak stated that this will be included in the yearly Budget Workshop and they will provide a recommendation then.

Vice-Mayor Richardson clarified for everyone present that this means the extra \$250,000 - \$350,000 will not be considered for this year, but for the next budget cycle.

Commissioner Rosen Gonzalez stated that having a seven-day crew work on cleanliness will have a serious impact, especially on the Beachwalk and commercial corridors. Miami Beach is constantly hosting massive parties almost every single night and cleanliness needs to be one of the City's priorities. Current crews are exhausted by the amount of work they do, they need more help. Residents will see a direct impact if this Item is approved, but it should be done as soon as possible. However, if the City Commission wants to wait until the next fiscal year she will agree to that.

Commissioner Fernandez agreed that Citywide we need to enhance sanitation; it simply is one of those things where no matter what you do you could always do more. This will be part of the 2023 budget and no costs will be incurred today.

City Manager Hudak stated that they will revisit the issues based on conditions.

Mayor Gelber stated that it is important for the City Commission not to micromanage the day-to-day dealings of the City; if the City Manager is comfortable then he has no issue.

8:42:15 p.m.

C7 Q A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE ADMINISTRATION, PURSUANT TO RESOLUTION NO. 2020-31317, TO PROCEED WITH SEGMENT 2 (NORTH) OF THE WEST AVENUE IMPROVEMENT PROJECT WITH THE MAXIMUM STREET ELEVATION WHICH MAY BE ACCOMPLISHED, IF ANY, THAT WOULD NOT REQUIRE HARMONIZATION OF ADJACENT PRIVATE PROPERTIES; AND NO ROAD ELEVATION UNDER ANY CIRCUMSTANCE OF MORE THAN 3 INCHES UNLESS EXPRESSLY APPROVED BY THE CITY COMMISSION; AND FURTHER, PRIOR TO PRESENTING THE FINAL PROPOSED DESIGN TO THE DESIGN REVIEW BOARD FOR ITS REGULATORY APPROVAL, DIRECTING THE ADMINISTRATION TO RELEASE THE FINAL PROPOSED DESIGN

FOR SEGMENT 2, DEPICTING WHAT THE STREETS WILL LOOK LIKE AT THE COMPLETION OF THE PROJECT, VIA LETTER TO COMMISSION.

Office of the City Attorney
Commissioner Mark Samuelian
Supplemental updated on 2/4/2022
(Memorandum and Resolution)

ACTION: Resolution not adopted. No vote was taken. Item separated by Commissioner Arriola and Vice-Mayor Richardson.

DIRECTION:

1. At the request of Commissioner Samuelian, provide a report indicating flooding risk/data as it pertains to the streets in Segment 2. **David Martinez and Joe L. Gomez to handle.**
2. At the request of Mayor Gelber, provide documentation and photographs of Sunset Harbor before and after the road raising. **Joe L. Gomez to handle.**
3. At the request of Commissioner Samuelian, City Clerk Granado is to place a standing Item on the Commission agenda for the West Avenue Project and requested three updates regularly: 1) The number of signed harmonization agreements; 2) The visuals of the overall project and prototypical harmonization, and 3) the monthly burn rate. **Rafael E. Granado to handle. Clerk's Note:** The "monthly burn rate" is the money the City is spending each month on the project.
4. At the request of Commissioner Arriola, the Inspector General to investigate whether property owners have been told by a Commissioner not to sign the harmonization agreements; obtain statements of property owners under oath. **Joseph M. Centorino to handle.**
5. At the request of Vice-Mayor Richardson, obtain a better estimate of the costs if the City were to pause and redesign the project with no road elevation; provide information before the next Commission meeting or sometime in March. **David Martinez to handle.**
6. At the request of Vice-Mayor Richardson, research the parking lot elevation question and provide feedback to the Commission and community via LTC. **David Martinez to handle.**

Mayor Gelber stated that two Commissioners separated this Item from the Consent Agenda, and he wants to hear from them. Mayor Gelber did not pull this Item, but he questioned why it was not going to the Land Use and Sustainability Committee, because he feels it is extreme to make such a big decision from the dais, without consulting the Land Use and Sustainability Committee. He is sure their staff will say the same thing.

Commissioner Arriola stated that they are on year four, or more of a pause on the West Avenue Project, and there is no end in sight. Over time they make progress, then it is referred to the Inspector General, a Committee, or something that stalls it. He is concerned this a stall by another name.

Vice-Mayor Richardson stated that he also believes this is a pause. There were concerns about a year ago or so, regarding the large infrastructure in the middle of the street. That issue was resolved, so he thought they were moving forward. He understands there have been issues with harmonization, he does not know where the fault lies. If you talk to some of the homeowners, they believe the City has not done enough outreach. This Item on Consent would kill the project in his view. He knows that

is not what the Items says, because it says the Sponsor wants to continue the project, just not do any road raising. This Body, last year, adopted the recommendations of Jacobs Engineering, which included road raising in some areas. He believes he offered a comprised language to say, aspirational goals. They had two experts look at this and tell them they need to do road raising in the area. The policy of the City was to adopt that recommendation as aspirational goals and have certain exceptions where needed. It does not mean that the policy of the City is to have an absolute certain elevation 100% of the time, but it is the goal. He spoke to someone who coordinates many of the activities for the neighborhood and this individual wants to move forward with the program. The individual e did not support the Item that included 3-inches in elevation. It is not wise to say they cannot raise the road more than 3-inches. Sometimes it can be 6 or 8-inches to move the water off. The other concern that he has is that the City has spent millions, probably about \$20 million on the project, and it was designed with a certain elevation. The infrastructure below the road has been designed to work concurrently with the road raising on top. If the Commission decides not to do the planned height, then they must do the work below the road and spend more money. He will not stop this project; they should not pause any longer. They need to move forward. This is a resiliency project, and it needs to be reflected as such. This Commission voted for it to be a resilient project, and the funds from the County are not restricted. The previous Body voted for this to be a resilient project, and that is what they need to work for. He wants the City to continue working on the resilient aspect. This project needs to be completed even though there will be some areas that the roads cannot be raised because of the harmonization restriction. They should continue working with the community, conduct more outreach, and he will be happy to attend meetings on a street-by-street basis. One size does not fit all, but they cannot stop. This Item on Consent is a huge mistake, and he will not support it.

Mayor Gelber added that the staff will probably oppose this Item, and this Item should have never been placed on Consent. The Commission would have stopped a \$105 million project without hearing from the staff, experts, or residents. It would be crazy to adopt this on Consent. A project of this size and cost takes leadership and action. There may be a day that an insurance adjuster will not insure homes in this area because of flooding. He thinks they are getting back on the right track and they should continue moving forward.

Commissioner Samuelian stated the reason it is at the Commission Meeting and not the Land Use and Sustainability Committee is because this is an urgent situation. In the last 12-months, they averaged \$180,000 a month to the contractor, which does not include employees or soft costs. This does not sound fiscally prudent. Also, this is not a pause, he wants the exact opposite. This is not about killing the project, it saves it. He is happy that Vice-Mayor Richardson referred to the Jacob's Engineering report; that is the last time an outside consultant spoke and gave them information. He stated that the City Commission adopted a higher elevation as an aspirational goal, with the City Commission having complete flexibility and discretion to come down, even below the mandated height for harmonization. When they talk about the science, and the outside experts, that was the last record advised by outside experts that the Body acted. To raise the road right they need to have an agreement with the residents, and they do not have that. They are stuck, nobody else brought the Item forward in terms of what to do. The residents are not signing the agreements. At the cost of \$180,000 a month for the outside contractor, the Commission needs to act. This is an important project; the street and sidewalk are not in great shape. It is not just about stormwater, there are water and sewer pipes underneath. If anybody read emails recently, they would know that there is a no-touch water advisory. He would hate while they deliberate that they have problems with infrastructure. He believes this project has been going on for six years; one of the reasons it was delayed was the pump location. The Commission was told that there was only one spot for the pump location; they already spent over \$23 million, and the total projected cost is now over \$100 million, but they have

not even put a shovel in the ground. The problem is that when they raise the road this much, they need the private property owners to sign the agreements. No one knows how much this project will cost the private property owners. The property owners do not want to sign a poorly drafted agreement with no defined cost. This Ordinance has been reviewed by individuals including one that was mentioned; they have different facts whether people agree or not, but they are showing the City that they do not agree. Replacing stormwater infrastructure will help combat flooding. He would like to hear from City staff, even though it is a policy decision. He asked how much flooding is going on there and asked to see the report of the actual flooding in a specific area (the streets in Segment 2); he does not know if it exists and would like that as a follow-up. The pumps were replaced on Alton Road under the FDOT project, the streets were not raised, yet they are doing great. In Sunset Islands III and IV, they did nominal road raising, maybe a little higher in some areas, but they did not raise the roads like what is planned on West Avenue. The property owners have a right to be concerned, it is not just his opinion, they are now hearing about micropumps in the City. They should take a more tailored approach to road raising since they know they cannot afford to raise all the roads. After this, they will need to increase taxes and fees to complete future projects in the City. This Item will allow them to advance the project to address critical infrastructure, to address pumping, in a way that is faster and cheaper than what is on the table. He believes it is an urgent matter and should not go to a Committee. It is a policy call; the Administration is acting on the policy that the Commission provided, and the Commissioners have complete discretion to act as needed. He asked for support.

Mayor Gelber stated that he will have staff come and speak but first addressed Commissioner Samuelian putting this Item on Consent. Commissioner Samuelian raised five or more different topics about which he does not know. The fact that Commissioner Samuelian wanted to pass this Item on Consent did not make sense. He asked staff to explain if the Commission should do this or not. He asked them not to make it short, if they are going to decide to stop a \$100 million resilience project, they should hear the facts.

Alina T. Hudak, City Manager, stated that Commissioner Samuelian knows that she wanted him to defer this Item. She and the staff wanted to better analyze the data and science that got Commissioner Samuelian to 3-inches. This is a defining moment for the program. A week ago, the City of Miami Beach qualified for \$10 million in resiliency funding for projects. To Vice-Mayor Richardson's points, this is not a typical water and sewer project, or neighborhoods project, or anything other communities are doing around the country. If you Google harmonization and road elevation, the only thing that comes up is Miami Beach. This is urgent because they are at the cutting edge of science on this project. They should be proud of the fact that this is difficult, and it takes courage to make these decisions. She is concerned that when she started two years ago, it was stalled and she was the Assistant City Manager working with the team and staff to figure out what to do next, and they got the project to move. In the last six years, this project has come many times before the Commission, residents, and committees; they have spent \$23 million on this. A week ago, the Commission received a 14-page LTC with a status, update, recap of the project, and the future projections for the project. They have had over 120 meetings with stakeholders. There comes a point that decisions must be made to move forward. She thinks that they all understand that Segment 2 and the example that is being highlighted in this legislation is a small piece of this project. This legislation as proposed would have significant implications on the entirety of the project; it is not a segment that gets engineered and built, irrespective of the rest of the segment. This may jeopardize the future of road elevation projects, there are additional costs associated. She hopes the Inspector General is listening and watching since they are being referred for some reason, even though this project has operated with utmost transparency. She turned to the City Engineers and experts to discuss further.

David Martinez, CIP Director, stated that this is a design-build project. The design started in 2017, directed by the design criteria the Commission asked them to bring back. Since then, every change order has brought the budget up to \$105 million, but it has come to the Commission where they have been advised about the details and asked for additions. Towards the end of 2018, a change order was brought forth that put the scope of work from Columbia Accelerator into the project. It included road raising, three lanes on West Avenue, among other things. It was an intense public process that lasted three days. It was open to everyone and they proceeded in good faith with this project. There were many items that Commissioner Samuelian brought up, so he will try to touch on as many as possible. The science behind the segment on this project is not a science, it is an approach that the builder took to deliver the project with the least amount of disruption to the neighborhoods. The intent was to select the segments because it made sense from a construction perspective. There is no science to it, it was not a criterion to be done this way, it could have been any segment of the street and done different ways. All the segments are tied together, this is a system, it is not modules that function on their own, it functions together. An impact on one segment could have an impact on another. Concerning the \$180,000 a month spent on the contractor, they are still on budget; however, they were supposed to break ground at the end of 2021, which it did not. Now, the design-builder has notified the Administration officially that if they cannot move forward, then they have expenses and will not be able to cover them. They will see costs with no product. Regarding Jacob's decision, he acknowledges what was stated on the record and occurred after the Colombia Resilience Accelerator and after decisions were made by the City Commission to proceed in a certain direction. The micropumps station is not intended to be implemented as part of the harmonization of the original project. There were 15 properties, and under the criteria, they would have been reduced in all the properties to a certain degree, but not zero. Because these drainage basins are influenced by the adjoining drainage basin in the Flamingo Neighborhood that would not be addressed for years to come, it was assessed by the staff and engineers. They felt it was prudent that even though the project was not impacting the drainage, in fact helping, it was not to 0 for a 10-year storm event. That is where the micropump stations come in. The cost to the property owners for the harmonization that the City is performing is fully funded by the design, build, project. There will properties that have to decide such as paver bricks in place of what the City is offering such as asphalt. If there is landscaping that is either encroaching or in the area that needs to be harmonized, the City will provide them back sod or standard materials. Some items need to be addressed such as mechanical gates that need to be adjusted or reinstalled, and they need to price them to determine what it will be. The pipes and pumps for this project are specifically for a 10-year storm event, the road raising is the resiliency part of this project to address tide increase elevations over time.

City Manager Hudak asked CIP Director Martinez to address the 3.7' NAVD, the hardship situations, and how they will be addressed.

David Martinez stated that as part of the resiliency accelerator program, there was one specific table that showed six topologies that they can encounter, how to address the neighborhood, and how to harmonize two feet plus or minus elevation differential. This includes slopes on handicap accessibilities, vehicles ramps, steps, handrails, and such. There is one street on Lincoln Court because there are garages that have limitations on height, and alleys that are emergency exits out of a building; they have considered areas. There was a mention about Sunset Island III and IV and having different elevations. He was in previous meetings in the Mayor's Blue Ribbon Panel on Stormwater and Resiliency and there were various discussions about what projects got pumps, road raising, or both. For example, one project that he is going to update later in the evening is the Venetian, is the road restoration is on the water table, because of the elevations. That is why Sunset Islands III and IV were not raised because the project was already in construction when the decision was made whether to raise or not.

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Joe L. Gomez, Public Works Director, stated that they would have to look at the entire project, and reengineer for 3-inches. Everything has been designed with the required clearances, if the Commission reduces that based on the 3-inch harmonization, the Administration will have to hydraulic model the project again to make sure it works correctly, and that will cost more money.

Vice-Mayor Richardson asked Commissioner Samuelian how he decided 3-inches is the right height.

Commissioner Samuelian stated that this proposal for Segment 2 is to not have road elevation. At the same time it indicates that if there is a need in certain cases for nominal road raising, 3-inches would represent between 10-20% of the total road elevation that is already in place, that it would be acceptable. This proposal expressly requests that if the Administration requires additional road elevation that they could bring that to the City Commission. They will have a special meeting in a couple's months, and 3-inches at the lowest places would allow them some degree of flexibility. To be direct, the intent is to complete the project with essentially no road elevation in Segment 2, and only a few inches if absolutely needed.

Vice-Mayor Richardson asked Commissioner Samuelian to read what is presented. This segment would not have any road raising per Commissioner Samuelian, yet they had two expert engineer firms look at this and say that road raising is necessary. He asked him where he got 3-inches, what expert did he consult.

Commissioner Samuelian stated that elevating the road, if they strictly want to help the road is easy, the hard part is connecting to the private properties. He read from the Commission's Resolution that the City Commission advised by Jacob Engineering has complete flexibility to come down. Why? If needed for harmonization. He has heard much from the Administration on this Item that they will spend much more money, and no plan to get additional signed-harmonization agreements. It is in the Commission's Resolution.

Vice-Mayor Richardson stated that he can read the same words, and he believes they are doing exactly what the Policy says they should do. The Commission has complete flexibility where it is needed. It does not say that the entire neighborhood would be affected if one area is affected. He still has not heard an answer from Commissioner Samuelian where the science of 3-inches came about. He asked for an answer to the question. Who proposed the 3-inches?

Commissioner Samuelian stated that he did directly answer his question. He was clear that the Alton Road Project, a major road, under the blessing of this City, completed a project and did not raise it 3-inches. Alton Road, a great project, new pumps and pipes, and no road elevation; it seems to be working fine. He does not know if Vice-Mayor Richardson and he are reading the language differently. The Inspector-General did an incredibly comprehensive review under the Palm and Hibiscus Report. When the City Administration came forward with the number one recommendation it was that they need to get signed-harmonization agreements, and that is not happening. He is being clear that right now there is no sign of it happening. They do not have a plan, and they are stuck at \$180,000 per month for the outside contractors. They better do something quickly.

Mayor Gelber stated that he will allow the Commission to ask questions first.

Vice-Mayor Richardson stated that he still has not received an answer where Commissioner Samuelian got 3-inches from or what expert was consulted. It sounds like a number Commissioner Samuelian came up with independently. There is no science to back up the 3-inches. He asked what

the cost impact would be of adopting a 3-inch policy. He believes the Administration would have to redesign the entire project; he asked staff what the estimate would be to redesign.

David Martinez stated that the design-build contractor has been paid about \$16 million for all his efforts to date.

Vice-Mayor Richardson stated that if they redesign the contract it would cost them millions of dollars and more time.

David Martinez stated that they had these discussions with the design-builder. If they had to go back and redo the project with the 3-inch guideline, it would take at least a year from the day they start to complete the plan, and several months to re-permit the job. They asked the contractor to analyze the elevation that could be lowered in the project and it would take several more months approaching \$200,000 to look at it without a design.

Vice-Mayor Richardson stated that they are looking at another year or two for the pause and millions of dollars for the 3-inch plan.

David Martinez confirmed the accuracy of Vice-Mayor Richardson's statement.

Vice-Mayor Richardson stated that his friend lived on Palm and Hibiscus, so he saw the work being completed. He asked if they resolved all harmonization issues on the islands.

David Martinez stated that they resolved all harmonization issues for the residents that wanted it completed. They have 4 signed agreements out of 25 in the first 2 Segments, in the West Avenue Project, because that is where they are focusing on starting. They have met with 68 properties over 128 meetings specifically related to harmonization and they have been focusing exclusively on the first segment that will be going under construction. They have not proffered to any other segment to sign so they cannot say that the other 150 properties or so will not sign an agreement.

Vice-Mayor Richardson stated that he remembers meeting with the Inspector General after the Palm and Hibiscus issue. They will make mistakes, which is what happens when you are the first to do something. The Inspector General did not find any wrongdoing of criminal activity on the Palm and Hibiscus Project, but they did make mistakes. He is sure they will make mistakes with the West Avenue Project; they are doing something cutting edge. He asked if signed harmonization agreements are required. He knows it is the desire; but does their Code say they cannot move forward with a project without it?

David Martinez stated that he will defer to the City Attorney. He added that the agreements give the City authority to go on private property, inform the property owner what, how, and when things will happen, who holds responsibility, and more.

Rafael A. Paz, City Attorney, stated they do need Consent from the property owner to grant access to the City to go on the property and make improvements. They can harmonize the public right away, but it will not look like anything that people want.

Vice-Mayor Richardson asked if they have done anything to help property owners understand what their fiscal obligation might be. He believes this may be one of the greatest concerns of property owners not knowing what the impact would be. He asked if there is a way to help them understand that. They do not need to help them choose asphalt or pavers, which is cosmetic.

David Martinez stated that his office is open to anybody to meet and discuss, they have met with some people four or five times, and others only once. They have even heard that some buildings have signed have asked to reject or rescind their signatures.

Vice-Mayor Richardson stated that he is not ready to rescind, this is a \$100 million project; the 3-inch proposal is not based on any science, it was a number that appears to be created by Commissioner Samuelian. A change in the design review would delay the project for several years and cost millions more of taxpayer dollars. He will not support this Item. As a pentagon auditor, they would call this waste and abuse.

Commissioner Samuelian asked how much it will cost the private property owners to harmonize as they propose.

David Martinez stated that they would not have a cost.

Commissioner Samuelian stated, "private property owners would not have any cost?"

David Martinez replied that is not what he said, he said regarding the harmonization.

Commissioner Samuelian rephrased the question and asked how much money each building would pay as their responsibility for harmonization.

David Martinez stated that would be a case by case, to determine once they discuss with them what each harmonization will look like.

Commissioner Samuelian stated that they do not know. The project as he proposed has no road elevations, but up to 3-inches if needed; it would be faster to construct and costs less.

David Martinez replied, "No, not at this time."

Commissioner Samuelian stated that the Administration has different opinions about that. He asked why on Palm and Hibiscus did this not come up when it happened, then said it was because the trucks were already on the street and the construction already started and told residents that they need to sign the agreements.

Commissioner Meiner stated that over a year ago when Jacobs Engineering proposed a uniformed road raise both he and Commissioner Samuelian voted "no." His argument at the time was that there was so much to do, underground and above ground, and it holds true more now than ever. It is with the uniform road elevations that they run into problems. They need to get the infrastructure done and they are arguing over harmonization. Ultimately, he can see the argument, residents are considered and read about the issues when roads are raised. They talk about experts, he reached out to Chad J. Mcquire, who is a Professor at Dartmouth, and read the book he wrote *Adapting to Sea Level Rise in the Coastal Zone: Law and Policy Considerations*. They met multiple times and spent hours together. Professor Mcquire is not an expert on Miami Beach projects and has no independent information about the projects, other than what Commissioner Meiner provided him. Professor Mcquire was considered about what road elevations could do to private properties. When they are looking to raise roads, if they can do the infrastructure, they might be able to fix many problems themselves with the robust draining systems and pumps; it may not be perfect, but technology will improve as well. He understands the issue with the cost because they had already completed the design-build. He asked

David Martinez if they started from scratch, would road raising add to the cost of the project.

David Martinez responded "absolutely."

Commissioner Rosen Gonzalez stated that she has been living with this since 2015. Wherever they went and raised the streets, they ran into many problems, The City faced litigation and had to repair infrastructure. She is not in favor of raising roads, maybe a little like Sunset Harbor. The new Commissioners are listening to the residents, they have gone through this, it is like they are on a hamster wheel. She heard two other Commissioners that they too think that road elevation is causing a problem. She would like to move forward and complete the infrastructure and raise the roads a little if needed. She has an Item related to the unfinished projects on the Venetian Islands, Indian Creek, and Palm and Hibiscus Islands. The road raising is discretionary, it is up to the Commission, and she understands residents do not want the streets raised in any way that would cause friction and community dissent. She received many emails from buildings that will be involved in the project. She understands this is new, but they have done other projects without raising the road. She would like to move forward with completing the infrastructure work first.

Mayor Gelber asked where the elevation came from for the area. They are debating if they are going to raise the road. There is a park north of 41st Street, they did not raise the road, they redid the infrastructure. If you drive there during any rainstorm, the area is flooded almost to the steps of houses. Residents asked why the City was so stupid and did not raise the road when they did the project. His response is that was before his time. He asked why they believe this area, where it is on the island, should have its roads raised a certain number of inches, and where did it come from. Now people say they should not do it, but he believes there was a science-based decision. The west side of the City is lower than the east side. Why does the area need the road raised with the science involved?

Joe L. Gomez stated that the topography of the beach is different, the elevation is lower on West Avenue. The reason for the 3.7' NAVD is based on the Resiliency Compact Study done by the Urban Land Institute (ULI), using the NOAA prediction curve for sea-level rise. When they do a construction project, they look at a 30-year horizon, because you want to get a return on your investment. The 30-year horizon uses the second most severe NOAA prediction curve, and that brings them to an elevation of 4. That was changed to 3.9 after the storm event after the August 2017 storm. Various locations in the City registered 6 to 7 inches of rain. That storm made them go back and revise the elevation to 3.9, in West Avenue they are using is 3.7' NAVD. The horizon they are using is based on a 30-year horizon.

Mayor Gelber asked what if they do not raise it now.

Joe L. Gomez stated that the flooding curves are exponential. They are seeing this everywhere. He read an article in North Carolina where homes on a barrier island are falling into the ocean. He believes since the year 2000, in South Florida, they have seen about a 5-inch sea level rise. The 3.7' NAVD came from various studies.

Mayor Gelber asked if Public Works Director Gomez is familiar with Orchard Park, north of 41st Street.

Joe L. Gomez responded "yes."

Mayor Gelber continued to explain how it floods when it rains. He asked how long ago they did the

project without raising the streets.

David Martinez stated that it was around 2006/2007 when they did that project.

Mayor Gelber asked how many people were involved in the study conducted by Columbia University.

David Martinez stated that it was a lot of people and they came several weeks before the 3-day study, to get a better understanding of the island. They conducted a 3-day study with many experts.

Mayor Gelber stated that he appreciates the experts that studied this. With all respect to the Professor that Commissioner Meiner spoke to, Professor McGuire does not know the island or studied the area, and that idea that Commissioner Meiner wants to tank the project based on one opinion concerns him. They have brought in various groups and experts that studied this and their island.

Amy Knowles, Chief Resiliency Officer, stated they had Columbia University Resilience Accelerator in Miami Beach; there were 6-engineers as part of an 18-expert team. They examined various aspects of the projects such as infrastructure below and above ground and other scientific aspects. Regarding the Urban Land Institute, there was about a 9-member team and 2 scientist engineers.

Mayor Gelber stated that they looked and studied the area. He asked if there were any private companies.

Amy Knowles added that AECOM did a lot of work for Miami Beach from 2014 to 2016, and they helped establish the 3.7' NAVD elevation. The Commission adopted that as the stormwater masterplan, they had Jacobs Engineering that accelerated that height. In the last five years, the compact projections that draw on NOAA, projections accelerated 20% from 2015 to 2019. As they go forward, they expect this to accelerate.

Mayor Gelber stated that they brought in various groups and people from different backgrounds to study and provide an estimate. They did not choose the highest amount; they went to the step below since it would be less of an intrusion and easier to implement. None of the people that studied are in the business of selling a product. He asked if anybody has any reason, that the 30 or so experts that looked at West Avenue, relied on a mishap, or were corrupt; are they comfortable with the science.

Amy Knowles stated that she is on the Staff Steering Committee, and many other cities are looking at similar plans to what Miami Beach is doing.

Mayor Gelber stated that Orchard Park did not have an issue with flooding when they did the project years ago, but now they do.

Joe L. Gomez stated that they have documentation and photographs of Sunset Harbor before and after the road raising, and the results are dramatic.

Amy Knowles stated that they tract the minimum elevation versus before and after the road elevation and they tract the avoided title flood events, and they are well into the hundreds in Sunset Harbor.

Mayor Gelber stated plenty of people in Sunset Harbor were against the project in the beginning. If they are going to treat this as a Consent Item, they will spend time discussing it. He asked Joe L. Gomez to provide him with the photographs. They should think about flooding, not just the

harmonization.

Commissioner Fernandez believes that this is one of the decisions that are the most consequential. He received many telephone calls from residents, and they have asked him to vote with the Resolution. It is a difficult situation to be in. When he listens to the science, it supports the road raising, and he tends to listen to the science. If they listen to the science, the issue they are trying to mitigate are realities in his life. He would lie if he were to say that one day he wakes up and a storm causes the tide to go through the entire City. Commissioner Samuelian raised a good point about residents not signing the harmonization agreements. At the last meeting, they referred to the Inspector General to conduct an independent red panel team review of Segment 2 of the West Avenue Project, and to come back to the Commission in 60-90 days. The goal of that independent review was to generate major strategic options for the project and specific individual improvement ideas. The referral said that the primary focus of the effort was road elevation and harmonization. He believes the Inspector General is looking into this issue, and he does not want to vote to do something that they asked the Inspector General to investigate. He would like to give the Inspector General the amount of time they allocated for him to conduct the study. If Commissioner Fernandez were to go against science and the many reports from experts, he would need good backing. If the Inspector General comes back and says there is a reason not to raise the roads, he will listen. But right now, he will not vote against science. The Commission just took an action for the Inspector General to conduct a study, and they should not act in the meantime. The Commission should not skew the process of an independent Inspector General review.

Mayor Gelber stated that there will be four votes against the Resolution.

Commissioner Fernandez stated that he is not against it, he wants the Inspector General to come back with a report.

Mayor Gelber thought he said that he would not vote for it today.

Commissioner Fernandez stated he wanted to put the idea out for Commissioner Samuelian.

Commissioner Samuelian stated that he appreciates there are different thought processes of his colleagues. What hits him, is the \$180,000 a month; that is not staff or soft cost. He wants to make sure they tract that vigorously coming out of this conversation. From February to June, they will have spent \$900,000 on the contractor. He is worried that they are giving staff conflicting ideas. He is looking forward to the Inspector General report, it will be another three to four months, then they will have to digest the report. He wanted to jump-start the process. He asked for a comment.

Commissioner Fernandez stated that this project has gone on for an exceedingly long time, years before he was elected. He voted to support the referral to the Inspector General. When they did the referral, the Mayor asked if the referral would hold the project up, and he believes the response was that the project would still move forward. This is a big project; he prefers to give the Inspector General 60 to 90 days. Commissioner Fernandez is not comfortable doing this review on what they are discussing now.

Commissioner Samuelian respects his colleagues, this is not the outcome he desired though. He asked Rafael E. Granado, City Clerk, to place a standing Item on the agenda for the West Avenue Project and requested three updates regularly: 1) the number of signed harmonization agreements; 2) the visuals of the overall project and prototypical harmonization, and 3) the monthly burn rate. He will look forward to the work of the Inspector General. We will all be closed to the detail monthly.

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Commissioner Samuelian added that he respects Commissioner Fernandez; the Commission will see the report and the Commission will decide when it comes. **Clerk's Note:** The "monthly burn rate" is the money the City is spending each month on the project.

Mayor Gelber stated that this Item is not passing today.

Commissioner Arriola stated that he is concerned with the rumors that a Commissioner is going around telling people not to sign harmonization agreements, and actively campaigning against the City's resiliency program. He asked the Inspector General to get property owners' statements under oath to determine if they have been told by a Commissioner not to sign the agreements. This is not a popular thing; people are afraid because the Commission has "fear mongered" road elevation. The easy thing to do is kick the can down the road and let another Commission take care of the problem, which is how politics works. He asked that this Commission step up and take charge. If they believe in sea-level rise, they will want this project to move forward. He lives in Sunset Harbor, they raised the roads there and it no longer floods, property values went up, businesses are thriving, and the plan worked. Miami Beach is ground zero for sea-level rise and cities trying to tackle this issue. Of course, they will make mistakes, they are the first ones to do this. The experts are telling them that road elevation is part of the solution and they must do it. There was no fraud or criminal behavior with the project in Palm and Hibiscus, just mistakes. He is a hard "no" for any pause. This Item is an elegant way of pausing the project. The Commission needs to lead, they need to make the community feel better and stop inflicting fear. There are engineering capabilities, they have a great staff, and they have the funding for it.

Commissioner Samuelian stated that residents do not need to hear his opinion on whether they should sign agreements or not, they are making the decisions on their own, and they are experts in their neighborhood. He has no problem with the Inspector General doing what Commissioner Arriola asked for.

Vice-Mayor Richardson stated that it sounds like Commissioner Samuelian referred himself to the Inspector General.

Commissioner Arriola asked Commissioner Samuelian to make the right call and not confuse residents.

Vice-Mayor Richardson stated that they need to find a way to do the project and recommit to doing it for the community. They have not thought about potential liability if they do nothing. Will communities start suing the City for not making the right decision and protecting their properties? He offered to be a mediator. They need to go back and have smaller meetings. It will not be beneficial to have everyone present. They should continue to work on this though. He knows that Commissioner Samuelian will monitor the cost, he asked David Martinez to get a better estimate if the City were to pause and redesign the project with no road elevation, he wants it before the next meeting or sometime in March.

Valerie Navarrete stated that she is tired as well and knows it is late. She asked the staff to comment about the parking lot not needing to be raised because they do not believe it will flood, even though it is one foot below the street. She asked them not to disrespect the residents by moving forward and not doing any harmonization. She does not believe Commissioner Samuelian asked people not to sign agreements.

Commissioner Fernandez stated that the inquiry about the parking lot was a good question.

Mayor Gelber stated that he is frustrated because it is 10:20 p.m., this was a Consent Item, and it should not have been on Consent. If Commissioner Samuelian wanted to debate this, it should have been referred to the Land Use and Sustainability Committee. It should not have been put on Consent; this is something on which they would not agree. If a Commissioner has a controversial Item, do not put it on Consent. If there is a "Resident's Right to Know" Item, this is it; yet this Item is marked "no" in the Agenda under Resident's Right to Know. They are discussing this without any public hearing notice, and the citizens were not notified; that is not transparent. If this were done correctly, they could have had experts come in, prepared presentations, informed the residents, and more. This was not a Consent Item, and they used a large amount of time to talk about this. He asked the Commission if they want to defer any items to the next meeting.

Commissioner Rosen Gonzalez stated that she cannot keep deferring her Items. There are things that she wants to be heard and if they must stay, then they will.

Discussion about staying late for the meeting.

David Martinez stated the water pump treatment station ended up in the parking lot next to the Post Office, which it was not intended to be. He does not have all the facts of the parking lot elevation, they are happy to raise it, but they will come back with a change order to raise it.

Vice-Mayor Richardson stated that it does not sound like they have an answer, and asked David Martinez to research this and provide feedback to the community and send a memo to the Commission. He asked about his motion to adjourn the meeting. There was no second to the motion, and the meeting continued.

The discussion ended on the Item.

Handouts or Reference Materials

1. Email from Janice Overstreet, jan.overstreet@gmail.com, Date: February 7, 2023, RE: C7 Q, Segment 2 (North) West Avenue Improvement Project – Feb 9th Meeting.

C7 R A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING RESOLUTION NO. 2022-31992, WHICH ACCEPTED THE RECOMMENDATION OF THE ART IN PUBLIC PLACES COMMITTEE TO APPROVE NORMAN BRAMAN'S DONATION OF ARTIST JAUME PLENSA'S MONUMENTAL SCULPTURE, MINNA (THE "WORK"), TO CLARIFY THAT MR. BRAMAN WILL MAKE PAYMENT TO THE CITY IN THE AMOUNT OF \$1,000,000.00, FOR THE CITY'S PURCHASE OF THE WORK, FOR INSTALLATION IN PRIDE PARK, WITH THE DONATION TO BE MADE IN TWO INSTALLMENTS OF \$500,000 EACH, PRIOR TO THE SHIPPING OF THE WORK TO THE CITY; AND AUTHORIZING THE CITY MANAGER, OR HER DESIGNEE, TO MAKE ANY AND ALL NECESSARY EXPENDITURES OF THE DONATED FUNDS FOR THE PURCHASE OF THE WORK.

Office of the City Attorney
Mayor Dan Gelber
Supplemental updated on 2/4/2022
(Memorandum and Resolution)

ACTION: Resolution 2022-32040 adopted. Lissette Garcia Arrogante to handle.

C7 S A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, WAIVING SPECIAL EVENT FEES, IN THE TOTAL AMOUNT NOT TO EXCEED \$25,000 FOR THE ANNUAL MODEL VOLLEYBALL TOURNAMENT TO BE HELD THE WEEKEND OF MARCH 12-13, 2022, IN LUMMUS PARK ON THE 8TH STREET BEACHFRONT.

Commissioner Ricky Arriola
Supplemental updated on 2/4/2022
(Memorandum and Resolution)

ACTION: Resolution 2022-32041 adopted. Lissette Garcia Arrogante to handle.

REGULAR AGENDA

R5 – Ordinances

4:00:40 p.m.

R5 A AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 14 OF THE CITY CODE, ENTITLED "BUILDING REGULATIONS," BY AMENDING DIVISION 2, "40-YEAR BUILDING RECERTIFICATION PROGRAM," SECTION 14-67, REQUIRING COURTESY NOTIFICATION TO BUILDING OWNERS AT LEAST TWO (2) YEARS PRIOR TO THE ANNIVERSARY OF THEIR RECERTIFICATION AS REQUIRED BY SECTION 8-11(F) OF THE MIAMI-DADE COUNTY CODE AND SECTION 14-67 OF THE CITY CODE, AND ADDING A REQUIREMENT FOR BUILDING OWNERS TO SUBMIT AN ANNUAL BUILDING MAINTENANCE LOG TO THE BUILDING DEPARTMENT, AND REVISING THE HEADING OF SECTION 14-67 OF THE CITY CODE TO "BUILDING RECERTIFICATION PROGRAM"; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

1:30 p.m. Second Reading Public Hearing

Building

First Reading on January 20, 2022 - R5 N

Commissioner Alex Fernandez

Co-sponsored by Commissioner Samuelian

ACTION: Item Open and Continued to March 9, 2022, by acclamation. Lilia Cardillo to place on the Commission Agenda if received. **Ana Salgueiro to handle.**

Handouts or Reference Materials

1. Ad in The Miami Herald No. 02092022-01

4:00:45 p.m.

R5 B AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING APPENDIX A TO THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, ENTITLED "FEE SCHEDULE," TO AMEND THE FEES APPLICABLE TO THE BUILDING RECERTIFICATION PROCESS, PURSUANT TO CHAPTER 14 OF THE CITY CODE, ENTITLED "BUILDING REGULATIONS"; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND FOR AN EFFECTIVE DATE.

1:35 p.m. Second Reading Public Hearing

Building

First Reading on January 20, 2022 - R5 O
Commissioner Alex Fernandez
Supplemental updated on 2/4/2022
(Ordinance)

ACTION: Item Open and Continued to March 9, 2022, by acclamation. Lilia Cardillo to place on the Commission Agenda if received. **Ana Salgueiro to handle.**

Handouts or Reference Materials

1. Ad in The Miami Herald No. 02092022-01

4:08:25 p.m.

R5 C AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 58 OF THE MIAMI BEACH CITY CODE, ENTITLED "HOUSING," BY AMENDING ARTICLE IV, ENTITLED "RENTAL HOUSING," BY AMENDING DIVISION 3, ENTITLED "TERMINATION OF TENANCY," BY AMENDING SECTION 58-386, ENTITLED "WRITTEN NOTICE OR TERMINATION OF TENANCY," BY ESTABLISHING THE REQUIRED NOTICE PERIOD, WITH WHICH ALL RESIDENTIAL LANDLORDS MUST COMPLY, PRIOR TO INCREASING THE RENTAL RATE OF CERTAIN TENANTS BEYOND A SPECIFIED PERCENT; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

1:40 p.m. Second Reading Public Hearing

Office of the City Attorney

First Reading on January 20, 2022 - R5 T

Commissioner Alex Fernandez

Supplemental updated on 2/4/2022

(Revised Memorandum and Ordinance)

ACTION: Ordinance 2022-4470 adopted. Title of the Ordinance read into the record. Public Hearing held. Motion made by Commissioner Fernandez to adopt the Ordinance on Second Reading; seconded by Mayor Gelber. Roll Call: 7-0. **Alba Tarre to handle.**

Commissioner Samuelian was not present during the vote, but informed Rafael E. Granado, City Clerk, that he will vote "yes" in favor of the Ordinance.

Handouts or Reference Materials

1. Ad in The Miami Herald No. 02092022-01
2. Miami Beach United Resolutions For Commission Meeting of February 9, 2022 – R5 C - Supports.

4:09:44 p.m.

R5 D AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 70 OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, ENTITLED "MISCELLANEOUS OFFENSES," BY AMENDING ARTICLE II, ENTITLED "PUBLIC PLACES," BY AMENDING DIVISION 2, ENTITLED "BICYCLING, SKATEBOARDING, ROLLER SKATING, IN-LINE SKATING, MOTORIZED MEANS OF TRANSPORTATION, ELECTRIC BICYCLES, MOPEDS, MOTORCYCLES, MOTORIZED BICYCLES, AND MOTORIZED SCOOTERS," BY AMENDING SECTION 70-70.2 THEREOF, ENTITLED "RESPONSIBILITIES OF PERSONS AND BUSINESS ENTITIES PROVIDING RENTALS OR LEASES OF ELECTRIC BICYCLES AND MOTORIZED SCOOTERS," BY CLARIFYING THE CITY'S ABILITY TO ENTER INTO

CONTRACTUAL AGREEMENTS TO PERMIT THE USE OF CITY PROPERTY OR RIGHTS OF WAY FOR THE RENTAL OR LEASE OF ELECTRIC BICYCLES, CONSISTENT WITH CHAPTER 82 OF THE CITY CODE; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

1:45 p.m. Second Reading Public Hearing
Office of the City Attorney
Continued from January 20, 2022 - R5 E
Vice-Mayor David Richardson

ACTION: Item Open and Continued to March 9, 2022, by acclamation. Lilia Cardillo to place on the Commission Agenda if received. **Office of the City Attorney to handle.**

Handouts or Reference Materials

1. Ad in The Miami Herald No. 02092022-01

4:09:57 p.m.

R5 E COMMERCIAL HEIGHT LIMITS FOR OFFICE USES - CPS-2 DISTRICT
AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, SUBPART B, ENTITLED "LAND DEVELOPMENT REGULATIONS," BY AMENDING CHAPTER 142, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, ENTITLED "DISTRICT REGULATIONS," DIVISION 18, ENTITLED "PS PERFORMANCE STANDARD DISTRICT," BY AMENDING SECTION 142-698, ENTITLED "COMMERCIAL PERFORMANCE STANDARD AREA REQUIREMENTS," TO MODIFY THE MAXIMUM BUILDING HEIGHT FOR OFFICE USES ON CERTAIN PROPERTIES; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

1:50 p.m. Second Reading Public Hearing
Planning
Continued from January 20, 2022 - R5 H
Commissioner Mark Samuelian

ACTION: Ordinance 2022-4471 adopted. Title of the Ordinance read into the record. Public Hearing held. Motion made by Commissioner Samuelian to adopt the Ordinance on Second Reading; seconded by Mayor Gelber. Roll Call: 6-1. Opposed: Commissioner Rosen Gonzalez. **Thomas Mooney to handle.**

Mayor Gelber opened the public hearing.

Matthew Amster stated that he is representing one of the groups of properties within a small area, subject to a height amendment; that is 411 Michigan – SoFI Owner. The group is comprised of seasoned developers; one flew in from New York and the other is on Zoom. They had three properties that failed to be approved for hotel development, and now they are trying to build Class A Office Development. The height amendment would allow for 14-foot floors. It is a green, sustainable building. The height is to the north and there is a buffer on the south with a private driveway. They are preserving and relocating a historic building.

Mayor Gelber believes it was a unanimous vote the first time.

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Rafael A. Paz, City Attorney, stated that it was, however, there was the direction to work out between First and Second Reading the setback issues. He believes Thomas Mooney, Planning Director, can speak to that.

Thomas Mooney, Planning Director, stated that there was no change to the text of the Ordinance. The Commission requested two things: 1) Visuals and perspectives, which are included in the Commission package, and 2) To work with the setback of the property, and they were able to make significant changes that Planning Administration is pleased with. He stated that the project is ready to move forward.

Jean Martielli stated that she supports the developers because they make beautiful structures, but she owns a historic building next to the 419 projects, on the southeast corner of the site. Her home was built in 1930, it was one of the Beach's earliest structures. It was built with Dade County Pine and was developed by a famous architect. She urged the Commission to adopt a sensible policy and support what is already codified. The proposed height is two times the size of the Estefan's property next door. She does not support the height increase and asked the Commission not to approve it. Her property will be 15-inches from a solid concrete garage wall.

Matthew Gultanoff supports more office buildings, it is appropriate for a live, work, play community. He added that Jean Martielli spoke at the Planning Board in January. This shows that the neighborhood association that is supposed to represent her interests does not. When a neighborhood association supports something, it carries a lot of weight. He is disappointed that the neighborhood association was not involved when someone is directly impacted. He does not have the answer as to what to do next.

Daniel Ciraldo, Miami Design Preservation League, stated that they heard of Ms. Martielli's issues at the Planning Board. There were concerns about the garage setback next to her property. There are ways to incorporate setbacks to make the project better, and he hopes Ms. Martielli's voice is heard.

Matthew Pender, President of Friends of South Pointe Elementary, stated that they have been happy to hear from the developers in terms of the support they are willing to provide to their school. For them to have a developer like this is a positive thing in the community, people can live and work in the neighborhood, and the developer is a responsible partner helping the school and listening to their needs. Funding for public schools in South Florida is some of the lowest in the country, and for the developers to help them and the school is greatly accepted.

Matthew Amster stated that they have met with neighbors and Ms. Martielli multiple times. They have committed to protecting the trees on her property line. The two-story building they are moving is away from her building, and the garage is only slightly taller than her building. The section of the building they are requesting the height increase is 45-feet away from her property, so there is a buffer. They are committed to working with her.

Commissioner Samuelian stated that this Item was heard at the Land Use and Sustainability Committee and the Planning Board where it was supported unanimously. They are raising the allowed height for office uses, this is not for hotels or similar uses. They listen to the neighbors and they are addressing the issues. The setback issue is real, and they sent the Administration to investigate, which is why it was delayed. Now staff support the projects, he supports the project, and the South of Fifth Neighborhood Association in writing confirmed support.

Approval of the Item moved by Commissioner Samuelian.

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Vice-Mayor Richardson asked if this must go to the Historic Preservation Board.

Planning Director Mooney stated that it would have to go to the Historic Preservation Board and possibly the Planning Board.

Matthew Amster stated that they received approval from the Planning Board in January 2022, and they will go to the Historic Preservation Board on March 8.

Vice-Mayor Richardson asked if this project were for hotels would they not be here.

Commissioner Samuelian stated that hotels are already approved for more height, this will equalize the use of the height allowed.

Vice-Mayor Richardson asked if they put a hotel or residential use building would they need a height variance.

Planning Director Mooney stated that it would need Planning Board and Historic Preservation Board approval, but they would not need to seek approval from the Commission.

Vice-Mayor Richardson stated that he supports the project and asked the applicant to continue to work with the neighbors.

Commissioner Meiner stated that Ms. Martielli mentioned her property is 15-inches from the wall; he asked if that is final or will the Historic Preservation Board review it.

Planning Director Mooney stated they the Historic Preservation Board will review the entirety of the project, including the relationship to all surrounding properties. If there is an issue with sensitivity or buffering to a neighbor's property, the Historic Preservation Board can address it as they see fit.

Commissioner Rosen Gonzalez asked if there is anything else they can do to help. The 15-inch distance can block her internet, light, and quality of life. She thinks it is crazy there is no 5 to 10-foot setback.

Commissioner Samuelian asked Planning Director Mooney to respond.

Planning Director Mooney stated they focus on the sidewalk setbacks. Some changes were proposed and accepted.

Matthew Amster stated that what will be next to her building is a two-story parking garage. There is a 0-foot setback today, but the existing historic home that is near Ms. Martielli's property was a two-story building that they are relocating, and in its place, they will put a two-story parking structure. It is not a major change to the existing condition; they will make a green wall and plantings on the roof structure as well. They are committed to helping Ms. Martielli's and her trees. The existing buffer will remain.

Commissioner Rosen Gonzalez asked if they could give her a 5-foot setback; 15-inches is remarkably close.

Matthew Amster stated they are trying to use the existing location of the failed hotel project. There was no driveway access before, and they are creating a private driveway to allow for drop-offs and deliveries. They will keep the project clean and beautiful. As Planning Director Mooney said, the Historic Preservation Board will review this.

Commissioner Rosen Gonzalez asked Matthew Amster if he would like a commercial parking garage built 15-inches from his home.

Matthew Amster stated that this will be in context to what was there before. The project needs to be a few feet higher for resiliency. He is not the architect, the space is tight, but they will see what they can do.

Commissioner Rosen Gonzalez stated that she would love to vote for this, but she cannot support a commercial parking garage 15-inches from somebody's home. This will ruin Ms. Martielli's whole quality of life. She would have no problem if they could amend it to allow for a 5-foot setback.

Jean Martielli stated that she stood in front of the Planning Board and they said to give her whatever she wants. When she left the meeting, nobody contacted her. It was like after she spoke at Planning Board and they granted her concession, she was ignored.

Commissioner Samuelian stated that her colleague raised an important question. They talked about setbacks on the First Reading. He asked if this is something the Historic Preservation Board should address or would staff address it. He asked what would be helpful.

Planning Director Mooney stated that the Historic Preservation Board would have to review this no matter what. Even if the height increase were rescinded by the developer, they would still have this problem because the former project used these foundations. The only alternative to allow for a setback is to abandon the entire structural foundation that was already built from the previous project, and then build anew.

Commissioner Samuelian stated that he heard 15-inches and it made him react like Commissioner Rosen Gonzalez. He asked how the distance is calculated.

Planning Director Mooney stated that her property is 15-inches from the property line.

Commissioner Samuelian asked what the distance to the structure is.

Matthew Amster stated their structure is 15-inches from Ms. Martielli's property line, he does not have the measure to her actual building. He just confirmed with the architect they can move it another foot, on top of the 15-inches.

Mayor Gelber asked what the distance from the structure to the structure is.

Jean Martielli stated it would be less than 6-feet.

Vice-Mayor Richardson asked if he heard earlier that Ms. Martielli has trees on her property. He thought the 15-inches was structure to structure, now he hears the distance is from the trees.

Jean Martielli stated that several trees are three stories high. The 15-inch wall would kill the trees. The Planning Board requested to hear from an arborist, but nothing happened since.

Vice-Mayor Richardson stated that if they were to walk to her property line, they would see trees. He asked how far the trees from her building are.

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Jean Martielli stated the trees are four feet from her building.

Vice-Mayor Richardson asked the former proposed project had the approval to put the pilings in where they are now.

Planning Director Mooney stated that they did have approval and they had to go to the Historic Preservation Board. He does not recall what the design was on that part of the planned project.

Vice-Mayor Richardson added that the Historic Preservation Board already approved where the pilings are now.

Mayor Gelber asked Vice-Mayor Richardson what the point of his questions is.

Vice-Mayor Richardson stated that the previous location was already approved. He wants the developer to work with Ms. Martielli, but it sounds like the issue was already heard and approved. He asked if the new the Historic Preservation Board members could overrule a former decision made by past the Historic Preservation Board members.

Planning Director Mooney stated that potentially through the appropriateness criteria the Historic Preservation Board could require changes to that structural foundation if they determine that it is needed.

Mayor Gelber asked what board he is talking about, the Commission or the Historic Preservation Board.

Planning Director Mooney stated that he is referring to the Historic Preservation Board.

Vice-Mayor Richardson is not sure if Ms. Martielli objected to the first Historic Preservation Board approval for the former project. He asked her to come up and speak,

Jean Martielli stated that the former project was never close to her property.

Mayor Gelber stated that the problem is they never had this problem last time, it was a 7-0 vote, and now the issues are popping up. He does not know if they should vote right now or what, but the back and forth is not helpful.

Commissioner Samuelian stated that he believes the developers will give one foot more North that was not there, a green wall, green roof, and replacement of trees if harmed. He wants strong support from the Commission with the three conditions. He asked Commissioner Rosen Gonzalez if that addresses her concerns.

Commissioner Rosen Gonzalez asked if they could do more than one foot. As the project is planned, it will ruin her quality of life.

Ahmed Kurana, the Developer, stated that he appreciated the comments. They have the parking structure, the distance being discussed, and the distance in relation to where Ms. Martielli's trees are. They are fine in maintaining the protection of the trees; they are committed to doing that.

Commissioner Samuelian asked Commissioner Rosen Gonzalez how she feels about everything.

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Commissioner Rosen Gonzalez stated that she will not vote in favor, they need to create policy for setbacks.

Commissioner Samuelian confirmed his support and moved the Item.

Commissioner Meiner asked if the Historic Preservation Board will review/approve the project.

Planning Director Mooney stated that the Historic Preservation Board still needs to review and approve the project. The developer could make changes and modify plans before the Historic Preservation Board meeting.

Mayor Gelber seconded the motion and asked for a roll call.

Rafael E. Granado, City Clerk, asked if this is an amendment or direction.

Rafael A. Paz, City Attorney stated that there is no amendment.

Roll call vote: 6-1; opposed Commissioner Rosen Gonzalez.

Handouts or Reference Materials

1. Ad in The Miami Herald No. 02092022-01

4:49:48 p.m.

R5 F AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, BY AMENDING APPENDIX A, "FEE SCHEDULE," TO PROVIDE CLARIFICATION, TO REMOVE AND TO ADD CERTAIN FEES; BY AMENDING CHAPTER 106, ENTITLED "TRAFFIC AND VEHICLES," BY AMENDING ARTICLE II, ENTITLED "METERED PARKING," BY AMENDING DIVISION 1, ENTITLED "GENERALLY," BY AMENDING SECTION 106-55, ENTITLED "PARKING RATES, FEES, AND PENALTIES; EXCEPTIONS;" TO REMOVE PARKING RATES AND FEES THAT ARE ALREADY SET FORTH IN APPENDIX "A;" BY AMENDING DIVISION 3, ENTITLED "CONSTRUCTION PARKING AND TRAFFIC MANAGEMENT PLAN," BY AMENDING SECTION 106-101, ENTITLED "ISSUANCE OF PERMIT," TO REMOVE THE PERMIT FEES; BY AMENDING ARTICLE V, ENTITLED "POLICE VEHICLE TOWING," BY AMENDING DIVISION 2, ENTITLED "PERMIT," BY AMENDING SECTION 106-216, ENTITLED "ISSUANCE; FEE," TO REMOVE THE REFERENCE TO APPENDIX A; BY AMENDING ARTICLE VI, ENTITLED "TOWING AND IMMOBILIZATION OF VEHICLES," BY AMENDING SECTION 106-269, ENTITLED "IMMOBILIZATION," TO REMOVE THE REFERENCE TO APPENDIX A; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

First Reading

Parking

Vice-Mayor David Richardson
Supplemental updated on 2/4/2022
(Ordinance)

ACTION: Ordinance adopted on First Reading. Title of the Ordinance read into the record. Motion made by Vice-Mayor Richardson to adopt the Ordinance on First Reading; Commissioner Arriola. Roll Call: 6-0. Absent: Commissioner Fernandez. Second Reading Public Hearing scheduled for March 9,

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2022. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda, if received. **Monica Beltran to handle.**

Vice-Mayor Richardson stated that this is a clean-up Item for the Administration.

Monica Beltran, Parking Director, stated that this puts the Parking Department in compliance with Ordinance 2019-4299, which places City charges in Appendix A. It also provides for CPI for construction management plans, but it does not include the towing fees because that is set in the permits. This is a clean-up Item to make the policy clearer and put the Department in compliance.

Motion made by Vice-Mayor Richardson to adopt the Ordinance on First Reading; Commissioner Arriola. Roll Call: 6-0. Absent: Commissioner Fernandez.

5.03.01 p.m.

R5 G AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 2 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "ADMINISTRATION," BY AMENDING ARTICLE II THEREOF, ENTITLED "CITY COMMISSION," BY AMENDING SECTION 2-12 THEREOF, ENTITLED "MEETING PROCEDURES AND AGENDAS," TO REQUIRE A SOCIAL EQUITY STATEMENT AS PART OF THE ANALYSIS ACCOMPANYING ORDINANCES PLACED ON CITY COMMISSION AGENDAS; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

First Reading
Office of the City Attorney
Deferred from January 20, 2022 - R5 S
Commissioner Alex Fernandez

ACTION: Item deferred to the March 9, 2022, Commission Meeting. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda, if received. **Office of the City Attorney to handle.**

R5 H AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 31 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "PURCHASING," BY AMENDING SECTION 31-27 THEREOF, ENTITLED "ESTABLISHMENT OF MINIMUM WAGES" TO EXTEND THE WAGE REQUIREMENTS OF THE PREVAILING WAGES ORDINANCE TO CONSTRUCTION PROJECTS WHICH ARE DEVELOPED AS PART OF THE SALE OF ANY CITY PROPERTY, AND TO REQUIRE SUCH COMPLIANCE AS A CONDITION OF THE SALE OF ANY CITY PROPERTY, BY AMENDING SECTION 31-31, "ENTITLED EXCEPTIONS," TO EXEMPT CERTAIN PROJECTS FROM THE REQUIREMENTS OF THE ORDINANCE; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

First Reading
Office of the City Attorney
Deferred from January 20, 2022 - R5 Q
Commissioner Kristen Rosen Gonzalez

ACTION: Item deferred to March 9, 2022, Commission Meeting. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda, if received. **Alex Denis to handle.**

4:52:20 p.m.

R5 I AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 31 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "PURCHASING," BY CREATING SECTION 31-1 THEREOF, ENTITLED "MANAGEMENT POLICY FOR INTERNAL CONTROLS ON MAJOR CONSTRUCTION PROJECTS," TO REQUIRE A COMPREHENSIVE CITY-WIDE POLICY AND PROCEDURES FOR PROCUREMENT AND IMPLEMENTATION OF CITY CONSTRUCTION PROJECTS; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

First Reading

Office of the City Attorney
Commissioner Mark Samuelian

ACTION: Ordinance adopted on First Reading. Title of the Ordinance read into the record. Motion made by Commissioner Samuelian to adopt the Ordinance on First Reading; seconded by Vice-Mayor Richardson Roll Call: 7-0. Second Reading Public Hearing scheduled for March 9, 2022. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda, if received. **David Martinez, Joe L. Gomez, Maria Hernandez, Alex Denis, and Joseph M. Centorino to handle.**

Clerk's Note: See also Item R7 I.

Commissioner Samuelian recognized Inspector General Joseph M. Centorino. There is a companion Item to this Ordinance, Item R7 I; there is both an Ordinance and a Resolution. We learned some important lessons from the Palm and Hibiscus Neighborhood Improvement Project. There are important lessons that will be learned from the Indian Creek Project. The Administration and the Inspector General are collaborating and putting joint policies of how the City improves the effectiveness and efficiencies of these projects.

Inspector General Joseph M. Centorino noted that the Ordinance is in tandem with the policy, which is Item R7 I. He will speak once as to both Items. He thanked Commissioner Samuelian for sponsoring these Items. He recognized James McGee from the Office of the Inspector General who put much research into these policies and helped put together the initial draft. He thanked City Manager Hudak and her senior staff who took this seriously and collaborated with the Office of the Inspector General, particularly CIP Director David Martinez and Procurement Director Alex Denis who put in a substantial amount of work in refining it, expanding it, and extending it. It incorporates what was learned from projects that have occurred. This is not the most exciting thing that an Inspector General could get involved in. But in his opinion, there is nothing more important for the Office of the Inspector General to get involved in. It puts together comprehensively, some of the policies that have been followed by the City already, but not in a comprehensive way. Policies have been added and others tightened. Controls, accountability, and transparency have been provided for. There is nothing drastic or radical in this. It is best practices and common sense. It is a roadmap for important decisions on major projects. The Ordinance backs up the policy by making it serious enough that it is in the Code. Putting the City Manager at the center of it. One of the things the Office of the Inspector General found is that the City Manager was sometimes cut out of some of the decisions that happened. It provides some flexibility to the City Manager to make changes if necessary with the Commission's approval. It ensures that future Administrations are going to be governed by the need to maintain a comprehensive policy of this kind. He hopes the Commission will recognize the importance of this Ordinance and Resolution. It will become increasingly important as the City works on other projects and develops reports that support this type of policy.

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City Manager Alina T. Hudak thanked Inspector General Joseph M. Centorino. This is a great collaboration. She and Inspector General Centorino come from a world where transparency, documented projects, and guidelines are pinnacle to being able to manage a procurement process whether it is the contract part through the Procurement Department or the CIP Department. She fully supports what is being done. The Administration was already in the process of implementing many of these policies. She too wants to thank the Office of the Inspector General, her senior staff, and everyone who has collaborated to make this happen. The Administration will continue to look for opportunities for improvement.

Commissioner Arriola asked City Manager Hudak if she fully supports this. More importantly, to what extent was the City not doing this already? If the City was not doing these things already, then why not? What people and what Departments were not following best practices for documentation, transparency, communication, etc.? Is this a feel-good exercise or does this have some eye-opening recommendations and best practices that the Administration was not following? It would be great if we could get better, but the question is was the Administration not doing this? He thought the City had good competent staff that was doing a good job. What is going on here?

City Manager Hudak responded that when you speak to the issues that were raised in the Palm and Hibiscus review, many of those issues that were raised occurred many years ago and she cannot speak to anything that transpire many years ago. She can only speak to her experiences in the last two years. She can confirm that Alex Denis and David Martinez, in terms of their procedures, many of the things that are referenced in these two Items were already implemented and were being used. There were procedures in place, codifying them and making them a part of our Code is not what was happening. What this Item does is it codifies it into an Ordinance and makes it part of our laws. She has no problem with that. It allows the Administration to improve. There are many things and many procedures that the Administration must look at to make sure that all our systems communicate properly, that the appropriate forms are in place, and that appropriate checks and balances are in place when decisions are made. She has no issue with what is here. But in terms of what happened 5, 6, or 7 years ago, she cannot speak to that.

Commissioner Arriola stated that many of those people that were with the City then are still with the City now. He holds these individuals in extremely high regard and enjoys working with all of them. He is not sure what has transpired other than the City Manager has changed. The person who sits in the City Manager chair, who leads the Departments is the major change. If something is being said, it is casting some commentary back at the former leadership. Nothing else has changed; the personnel is still the same. Why are we doing this? If we are saying maybe it was not run as tight as it should have been before, then maybe that is what we are saying.

Vice-Mayor Richardson commented that the title of the Ordinance refers to "Management Policy for Internal Controls on Major Construction Projects." What is considered a "major construction project?" He did not see any dollar threshold.

Inspector General Joseph M. Centorino responded, "\$5 million."

Vice-Mayor Richardson asked whether it had been considered putting that dollar amount in one of the WHEREAS as clauses, so it is clear. He asked the Sponsor of the Item, Commissioner Samuelian, if this is something that he would consider.

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Commissioner Samuelian responded that he certainly would consider it. He would like to yield to Inspector General Joseph M. Centorino and City Manager Hudak who have worked so closely. He asked if either had an objection listing the \$5 million.

City Manager Hudak stated that she believes the \$5 million is in the definition section.

Inspector General Joseph M. Centorino stated that the \$5 million is in the policy.

City Manager Hudak stated that the \$5 million is in the Resolution, which is R7 I. She restated that these may be practices that may have not been previously documented into procedures.

Vice-Mayor Richardson asked whether the details are in another Item.

City Manager Hudak responded that they are in R7 I.

Vice-Mayor Richardson is looking at Item R5 I; is it a written plan that is required? Is that made clear as well?

City Manager Hudak stated that there are two Items. First, there is Ordinance R5 I, which requires two readings, which is the law. It codifies the procedures.

City Attorney Rafael A. Paz stated that Item R5 I requires the City to maintain a policy and adhere to that policy. The actual policy is in Item R7 I, which has all the details. The policy has been drafted and is attached to the Resolution in Item R7 I.

Motion made by Commissioner Samuelian to adopt the Ordinance on First Reading; seconded by Vice-Mayor Richardson Roll Call: 7-0.

5:03:31 p.m.

R5 J AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING MIAMI BEACH CITY CODE CHAPTER 38 ENTITLED "ELECTIONS," SECTION 38-3 THEREOF ENTITLED "RESOLUTION BY CITY COMMISSION CALLING ELECTION AND NOTICING THEREOF" BY CLARIFYING DETAILS OF RESOLUTIONS CALLING SPECIAL ELECTIONS ON PROPOSED BALLOT MEASURES, AND AMENDING CODE SECTION 38-4 ENTITLED "ACCEPTANCE OF ELECTION RETURNS; INSTALLATION OF NEW OFFICERS" BY EXPRESSLY PROVIDING THAT DATE OF CITY COMMISSION'S ACCEPTANCE OF ELECTION RETURNS APPLICABLE TO CITY GENERAL AND SPECIAL ELECTIONS; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

First Reading

Office of the City Attorney/Office of the City Clerk
Commissioner Alex Fernandez

ACTION: Ordinance adopted on First Reading. Title of the Ordinance read into the record. Motion made by Commissioner Fernandez to adopt the Ordinance on First Reading; seconded by Mayor Gelber. Roll Call: 7-0. Second Reading Public Hearing scheduled for March 9, 2022. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda, if received. **Rafael E. Granado and Office of the City Attorney to handle.**

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City Attorney Rafael A. Paz stated that this Ordinance codifies the City's existing practices for how Special Elections are called and results accepted.

Motion made by Commissioner Fernandez to adopt the Ordinance on First Reading; seconded by Mayor Gelber. Roll Call: 7-0.

5:29:30 p.m.

R5 K AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 70 OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, ENTITLED "MISCELLANEOUS OFFENSES," BY AMENDING ARTICLE I, ENTITLED "IN GENERAL," BY AMENDING SECTION 70-1 THEREOF, ENTITLED "STATE MISDEMEANORS," BY ADOPTING, THROUGH SPECIFIC REFERENCE, THE STATE LAW MISDEMEANOR OFFENSES OF BATTERY, CRIMINAL MISCHIEF, AND INDECENT EXPOSURE TO AFFIRMATIVELY ESTABLISH OFFENSES AGAINST MUNICIPAL LAW FOR THE SAME ACTS THAT CONSTITUTE SUCH OFFENSES AGAINST STATE LAW; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

First Reading
Office of the City Attorney
Commissioner Steven Meiner

ACTION: Ordinance adopted on First Reading. Title of the Ordinance read into the record. Motion made by Commissioner Meiner to adopt the Ordinance on First Reading; seconded by Commissioner Fernandez. Roll Call: 7-0. Second Reading Public Hearing scheduled for March 9, 2022. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda, if received. **Chief Clements and Office of the City Attorney to handle.**

Commissioner Meiner introduced the Item. This is an administrative Item. He is very proud that at the last meeting, the Commission adopted a Resolution whereby the Municipal Prosecution Team will be handling three misdemeanor offenses that were formerly prosecuted by the State Attorney's Office: battery, criminal mischief, which is property damage under \$1000, and indecent exposure. The Office of the City Attorney mentioned that if the City placed these misdemeanors under the City Code it would be much easier for the City to handle.

Rob Rosenwald, Chief Deputy City Attorney, explained that the City Commission passed a Resolution that adopted these three misremembers for the Municipal Prosecutor to prosecute. This Ordinance places in the Code these three State misdemeanors as municipal violations that City Police Officers can charge, and our Municipal Prosecutor can prosecute.

Motion made by Commissioner Meiner to adopt the Ordinance on First Reading; seconded by Commissioner Fernandez. Roll Call: 7-0.

Handouts or Reference Materials

1. Miami Beach United Resolutions For Commission Meeting of February 9, 2022 – R5 K - Supports.

5:31:31 p.m.

R5 L AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 82 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "PUBLIC PROPERTY," BY AMENDING ARTICLE VI, ENTITLED "NAMING OF PUBLIC FACILITIES AND ESTABLISHMENT OF MONUMENTS OR MEMORIALS," BY AMENDING SECTION 82-503 THEREOF, ENTITLED "NAMING OF PUBLIC FACILITIES; CO-NAMING AND RE-NAMING OF STREETS," BY AMENDING SUBSECTIONS (C)(1)(A) AND (C)(2)(A) TO PROVIDE ADDITIONAL CRITERIA AND PROCEDURES FOR THE CO-NAMING OF STREETS IN HONOR OF A DECEASED PHOTOGRAPHER WHO DOCUMENTED THE LIFE AND RESIDENTS OF MIAMI BEACH; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

First Reading

Office of the City Attorney
Deferred from January 20, 2022 - R5 P
Commissioner Alex Fernandez

ACTION: Ordinance adopted on First Reading. Title of the Ordinance read into the record. Motion made by Commissioner Fernandez to adopt the Ordinance on First Reading; seconded by Vice-Mayor Richardson. Roll Call: 7-0. Second Reading Public Hearing scheduled for March 9, 2022. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda, if received. **Jose Gonzalez and Office of the City Attorney to handle.**

REFERRAL:

Referral to the Neighborhood and Quality of Life Committee, the naming of the road to Andy Sweet Street. **Mark Taxis to be placed on the Committee Agendas. Jose Gonzalez to handle.**

Motion made by Commissioner Fernandez to adopt the Ordinance on First Reading. He also moved to refer the naming of the road to Andy Sweet Street to the Neighborhood and Quality of Life Committee for discussion.

Motion seconded by Vice-Mayor Richardson.

Roll Call: 7-0.

5:32:45 p.m.

R5 M AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 82 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "PUBLIC PROPERTY," BY AMENDING ARTICLE VI, ENTITLED "NAMING OF PUBLIC FACILITIES AND ESTABLISHMENT OF MONUMENTS OR MEMORIALS," BY AMENDING SECTION 82-503 THEREOF, ENTITLED "NAMING OF PUBLIC FACILITIES; CO-NAMING AND RE-NAMING OF STREETS," BY AMENDING SUBSECTION (A) THEREOF, TO REINSTITUTE THE VOTER REFERENDUM REQUIREMENT OF SECTION 82-503(6) FOR ANY PROPOSAL FOR NAMING RIGHTS FOR CERTAIN SPECIFIED CITY-OWNED PROPERTIES; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

First Reading

Office of the City Attorney
Commissioner Kristen Rosen Gonzalez
Supplemental updated on 2/7/2022
(Revised Memorandum)

ACTION: Ordinance not adopted. Title of the Ordinance read into the record. Motion made by Commissioner Rosen Gonzalez to adopt the Ordinance on First Reading; seconded by Commissioner Meiner. Roll Call: 2-5. Opposed: Commissioner Arriola, Commissioner Fernandez, Vice-Mayor Richardson, and Mayor Gelber. Motion failed.

Commissioner Rosen Gonzalez introduced the Item. Recently the Commission saw that NCL brought forward an offer to rename the Convention Center. There used to be protections in place for certain properties like the Colony Theater, the Byron Carlyle, and the Convention Center. The Commission has removed the referendum protection. On page 256 of the Agenda, there is a list of properties, and she is asking this Commission that if the Commission wants to rename the Convention Center, the Colony Theater, the 10th Street Auditorium, Historic City Hall, or the Byron Carlyle, she would like it to go to a referendum vote of the electorate. Commissioner Rosen Gonzalez clarified that the North Beach Bandshell does not have to be included in the list of properties as the Commission has already agreed to rename it (the Miami Beach Bandshell), so it does not apply. That is what the Commission customarily used to do. The Commission removed this protection. If the City receives a great offer, then the residents of Miami Beach will agree with the Commission; it should not be a problem.

Vice-Mayor Richardson did not understand the Bandshell issue. He asked City Manager Hudak to address this Item. The City has a contract with an organization that is helping the City identify potential naming opportunities. What does this do to that contract?

City Manager Hudak responded that it would make anything that falls within these criteria subject to a voter referendum

Vice-Mayor Richardson stated that Commissioner Rosen Gonzalez wants to take out the Bandshell from her Ordinance. However, even though the City is going to rename Bandshell something, somebody could still come in and name it after a beer company and that would not have to go to referendum. There was a proposal for the Convention Center, he asked Commissioner Rosen Gonzalez if she is saying that she will agree to rename the Bandshell without going to a referendum.

Commissioner Rosen Gonzalez responded that if the Bandshell is going to be named the Miami Beach Bandshell, and the Commission passed that at the last meeting, it does not need to go to a referendum. Commissioner Rosen Gonzalez then reconsidered and decided to keep the Bandshell as part of her Ordinance, as she would not like to see the Bandshell named anything other than the Miami Beach Bandshell. It should go to the voters to decide.

Vice-Mayor Richardson stated that the Commission previously identified 10 Items that would not have to go for a referendum. The Commission could decide to call it the ABC Bandshell or the XYZ Bandshell and that would not have to go to referendum, but now Commissioner Rosen Gonzalez is saying that it would have to go to referendum.

Commissioner Rosen Gonzalez stated that the Bandshell can be kept in as part of the Ordinance. If she keeps the referendum requirement for the North Beach Bandshell, would changing the name to Miami Beach Bandshell required a referendum vote?

City Attorney Paz responded that it would not require a voter referendum because the Code excludes a renaming for a geographic area of the City. For any other naming, a voter referendum would be required only if the naming rights are more than 20 years. In 2020, the Commission adopted an Ordinance with a list of 10 facilities where a proposed naming of 20 years or less would not require a

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voter referendum. It would still have to go through the process of being reviewed at the Neighborhood and Quality of Life Committee and a 5/7th vote of the City Commission.

Vice-Mayor Richardson stated that in 2020 the Commission identified 10 opportunities and the Commission issued a contract for someone to help the City; this entity has been working on this. Yet now the Commission is going to reverse what it did in 2020 and go in a different direction. If the Commission adopts this Ordinance it kills the contract that it entered. Vice-Mayor Richardson asked the name of the vendor with whom the City contracted to aid with naming rights.

City Manager Hudak responded that the contract is with Spectra. Having a requirement that naming opportunities must be vetted through a voter referendum would limit the opportunities.

Vice-Mayor Richardson stated that a voter referendum requirement would kill the contract the Commission awarded. He is not going to be supportive of this Item.

Commissioner Arriola is not supportive. It is well-intended. He believes it was Commissioner Samuelian who sponsored the list of the 10 properties that the Commission charged the City team to find out if there was interest for sponsorship and naming rights. There are assets throughout our City, in Miami-Dade County, and nationally that are named after individuals, whether they be donors or corporations. It is no big deal. He does not think that everything needs to go out to the voters. The Commissioners were elected to vet these things. Before the Commission votes, it will go to committees and neighborhood groups for further vetting. He does not think the Commission has to send everything to the voters, especially something like a sponsorship opportunity for a small building.

Commissioner Meiner stated that he will be supportive of the Item today. Naming the Convention Center is important, a voter referendum might make sense. He does not know if this Ordinance necessarily kills the contract, it just adds an extra layer. It is a big layer, a voter referendum, but one still needs to identify the naming. Commissioner Meiner has been vocal in the past year when the Commission has been renaming many of the City's streets, especially for individuals who are not affiliated with Miami Beach. This would address some of that. He is supportive of this Item.

Commissioner Fernandez is supportive of the intent of this Item. However, the Commission should be taking the route of engaging the community more. He realized when he voted for the referral of the North Beach Bandshell that he did not engage much with the North Beach community; he knows that the naming was sensitive to that community. Commissioner Fernandez learned that when these Items come forward he needs to engage the community. However, the Commission gets elected with the purpose to make decisions like these. He is concerned about unintended consequences. In the future, the City may need to do improvements to a facility like the 10th Street Auditorium, and a future Commission may need funding for that. A naming right could be a good funding source. It is the same thing with the Colony Theater. He sees the Jackie Gleason Theater, but the name is the Filmore at the Jackie Gleason. He cannot support this Item today. The Commission needs to have certain leeway. Perhaps it is a reminder to the Commission that they must do a better job engaging the community when opportunities come up.

Mayor Gelber asked if there is a 5/7 voting requirement for the renaming of City property.

City Attorney Paz responded that there is.

Commissioner Rosen Gonzalez sees that she does not have support for this Item. In the past, the Commission has always respected the voter referendum for the Convention Center. Imagine trying to

sell the name of the Colony Theater or the Byron Carly Theater, she does not think that it would go over well. By not supporting this Item and including a voter referendum for such important decisions, the Commission is doing a disservice. If her colleague would like, she would remove the referendum requirement for the 10th Street Auditorium and the Historic City Hall. But when Commissioner Higgins was here last month, everybody on the dais agreed not to try to sell the naming rights to the Convention Center because the taxpayers had just spent \$670 million renovating it. She remembers all her colleagues saying that they would be supportive.

Commissioner Fernandez wants to be clear; he is not saying that he would vote to rename any of these facilities. However, he is sitting here today, and he is not always going to occupy this chair. Ten years from now, the decision that he is making may impact what a future Commission could or could not do. The Commission will still ask the voters and the community their opinion. That is their job as an elected Body. The Commission should be engaging the community. That should be part of the process. He does not think that sending it to the voters may be necessary; it is the job of the Commission to make decisions like this.

Motion made by Commissioner Rosen Gonzalez to adopt the Ordinance on First Reading; seconded by Commissioner Meiner. Roll Call: 2-5. Opposed: Commissioner Arriola, Commissioner Fernandez, Vice-Mayor Richardson, and Mayor Gelber. Motion failed.

5:44:43 p.m.

R5 N AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 106 OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, ENTITLED "TRAFFIC AND VEHICLES," BY AMENDING ARTICLE II, ENTITLED "METERED PARKING," BY AMENDING DIVISION 2, ENTITLED "RESIDENTIAL PARKING PERMITS," BY AMENDING SECTION 106-84 THEREOF, ENTITLED "EXEMPTIONS," BY EXEMPTING MOTOR VEHICLE OWNERS OR OPERATORS WITH VALID DISABLED PERSON OR DISABLED VETERAN LICENSE PLATES, OR DISABLED PERSON PARKING PERMITS, FROM THE FEE REQUIREMENTS ASSOCIATED WITH THE APPLICATION AND ISSUANCE OF RESIDENTIAL PARKING AREA PERMITS; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

First Reading

Office of the City Attorney

Commissioner Mark Samuelian

Co-sponsored by Commissioners Kristen Rosen Gonzalez and Fernandez and Vice-Mayor Richardson,

ACTION: Ordinance adopted on First Reading. Title of the Ordinance read into the record. Motion made by Commissioner Samuelian to adopt the Ordinance on First Reading; seconded by Mayor Gelber. Roll Call: 7-0. Second Reading Public Hearing scheduled for March 9, 2022. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda, if received. **Monica Beltran to handle.**

Commissioner Samuelian stated that this is about people misusing handicap plaques, it is not a Miami Beach issue, it is Statewide, and probably a Nationwide issue. They are trying to protect the integrity of the residential parking zones for all residents, especially the handicapped residents. People are taking spaces that the elderly and handicapped people need. This Item will allow those who need a special zone to find parking; they are limiting handicap zones for Miami Beach residents. He yielded to the two co-sponsors.

Commissioner Rosen Gonzalez thinks it is great they are trying to address the issue.

Vice-Mayor Richardson requested to be added as co-sponsor.

Mayor Gelber asked if the Disability Access Committee looked at this.

Commissioner Samuelian stated that they had a robust discussion and made an official statement that they are in support. The short answer is "yes." They did not have a full quorum, but it was the will of the Body.

Commissioner Meiner stated that he supports this Item but asked will there be a good amount of parking for the people that need it.

Monica Beltran, Parking Director, stated that she went to two Disability Access Committee meetings. The Committee expressed concern at the first meeting that if someone has a disability and a placard but does not drive. So, they modified the proposed Ordinance so it is not solely based on tags, they will give them a placard to accompany their placard. That way, if someone has a disability they can still get around if someone else drives them. They can use both placards to show their residency. This was supported by the Disability Access Committee, although the Committee did not have a quorum. Typically, they try to have more disabled parking spaces than required by law; they will look to make sure. If there is ample residential parking, you do not have to look at the next area to find a place to park. Now there will be enough spaces when the crowds leave, you can park closer to your home and park in any residential space, which is not the case today.

Commissioner Meiner was worried about the people that do not live in the area.

Monica Beltran stated that they can use metered or disabled spaces.

Motion made by Commissioner Samuelian to adopt the Ordinance on First Reading; seconded by Mayor Gelber. Roll Call: 7-0.

5:51:21 p.m.

R5 O AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 18 OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, ENTITLED "BUSINESSES," BY AMENDING ARTICLE I, ENTITLED "IN GENERAL," BY CREATING SECTION 18-4 THEREOF, ENTITLED "RESUSCITATION EQUIPMENT REQUIRED; CONTENTS; LABELING REQUIREMENTS; NOTICE; PENALTIES," BY REQUIRING SPECIFIED BUSINESS ESTABLISHMENTS TO MAINTAIN CERTAIN RESUSCITATION (CPR) EQUIPMENT, AND PROVIDING FOR NOTICE, LABELING, AND PENALTY PROVISIONS; AND BY CREATING SECTION 18-5 THEREOF, ENTITLED "DISLODGING FOOD FROM PERSON CHOKING; SIGN REQUIRED; NO DUTY TO ACT; PENALTIES," BY REQUIRING BUSINESS ESTABLISHMENTS THAT SELL FOOD AND DESIGNATE SEATING AREA(S) FOR ITS CONSUMPTION TO POST SIGNAGE INSTRUCTING HOW TO DISLODGE FOOD FROM CHOKING PERSONS, AND SETTING FORTH NO DUTY TO ACT AND PENALTY PROVISIONS; AND BY CREATING SECTION 18-6 THEREOF, ENTITLED "ENFORCEMENT; PENALTIES; APPEALS; UNPAID FINES TO CONSTITUTE LIENS," TO ESTABLISH THE ENFORCEMENT, PENALTY, AND APPEAL PROVISIONS AND PROCEDURES FOR VIOLATIONS OF SECTIONS 18-4 AND 18-5; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

First Reading

Office of the City Attorney
Commissioner Alex Fernandez

ACTION: Ordinance adopted on First Reading. Title of the Ordinance read into the record. Motion made by Commissioner Fernandez to adopt the Ordinance on First Reading; seconded by Vice-Mayor Richardson. Roll Call: 7-0. Second Reading Public Hearing scheduled for May 4, 2022. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda, if received. **Office of the City Attorney to handle. Referral to the Neighborhood and Quality of Life Committee between First and Second Reading. Mark Taxis to place the on the Committee Agenda. Office of the City Attorney to handle.**

REFERRAL TO THE NEIGHBORHOOD AND QUALITY OF LIFE COMMITTEE:

Referral to the Neighborhood and Quality of Life Committee, between First and Second Readings to discuss finetuning the Ordinance, including:

1. Location of where the signage must be displayed within the establishment.
2. Liability and negligence per se for establishments.

Commissioner Fernandez stated that the intent was to provide immediate assistance to cardiac arrest and choking victims before the arrival of emergency vehicles. The goal is to save lives; time is of the essence. This was a request brought to him by two separate residents, who dealt with two separate issues; one was in a City facility in North Beach and another was in a cardiac arrest situation in South Beach. This is supposed to be a guide and provide tools to help people assist in situations before medics arrive. He requested that this goes to the Neighborhood and Quality of Life Committee before Second Reading so he can clean up the language.

Commissioner Rosen Gonzalez asked where they are supposed to post a picture of a person choking, the request says to post it, but nothing specifically. It is an odd request.

Commissioner Fernandez stated that at least where the personnel can see the signage. Being that Commissioner Rosen Gonzalez is in the restaurant industry, he believes they can fine-tune that language in the Neighborhood and Quality of Life Committee including where the sign should be located.

Commissioner Rosen Gonzalez believes the kitchen is the appropriate location and asked for more details about CPR.

Commissioner Fernandez stated that the Ordinance describes CPR and the equipment necessary to keep on hand.

Commissioner Rosen Gonzalez stated that this is fine if it is posted for the employees, not the customers.

Commissioner Fernandez stated that this is the intent. One resident that was in the North Beach Golf Club was choking, none of the Gulf Club employees knew how to assist, and a City employee helped. He added that he will amend the language regarding displaying a poster for patrons and leave it for employees to view. If the employees of the restaurant have access to these instructions and guides, they will know what to do in the event something happens.

Commissioner Meiner asked how much this would cost each establishment.

Rob Rosenwald, Chief Deputy City Attorney, stated that the equipment is small, and he cannot imagine it would cost more than \$2 or \$3.

Vice-Mayor Richardson asked if there is an opinion from the Administration. This was done in New York; he asked if there were any issues or history, they could look it.

Rob Rosenwald stated that he does not know how long-ago New York adopted it, but they have not heard of anything negative.

Mayor Gelber asked if there is a failure to do something, could the court or jury look at it and put the fault on the establishment.

Rob Rosenwald stated that a violation of a safety statute is per se negligence and it could be a problem for a business.

Mayor Gelber asked if anybody had thoughts on that.

Vice-Mayor Richardson asked Commissioner Fernandez if he wants this approved on First Reading and a referral, rather than a referral, and come back for First Reading. That issue of negligence is the biggest issue they need to address.

Commissioner Fernandez stated that he agrees and does not want to hinder restaurants.

Vice-Mayor Richardson stated that he is happy to support this on First Reading if it goes to the Neighborhood and Quality of Life Committee.

Motion made by Commissioner Fernandez to adopt the Ordinance on First Reading; seconded by Vice-Mayor Richardson.

Rafael E. Granado, City Clerk, asked when Commissioner Fernandez would like this Item to come back for Commission.

Discussion held regarding when to hear the Item.

Commissioner Fernandez requested to hear this at the Neighborhoods Committee in April and bring it back in May. It gives them time to work on this, it is not an emergency.

Mayor Gelber asked Commissioner Fernandez to check in with the Chamber of Commerce because they might want to help with the implementation.

Commissioner Fernandez stated that he will check in with them.

9:19:06 a.m.

2:22:46 p.m.

R5 P ALCOHOLIC BEVERAGES - MODIFICATIONS AND EXCEPTIONS TO THE HOURS OF SALE FOR ON-PREMISE CONSUMPTION
AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 6 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "ALCOHOLIC BEVERAGES," ARTICLE I, ENTITLED "IN GENERAL," BY AMENDING SECTION 6-3 THEREOF, ENTITLED "HOURS OF SALE/VIOLATIONS," TO AMEND THE HOURS OF SALE OF ALCOHOL FOR ON-PREMISES CONSUMPTION AT ALCOHOLIC BEVERAGE ESTABLISHMENTS;

ESTABLISH A PROCEDURE TO APPLY FOR EXTENDED HOURS OF SERVICE; IDENTIFY ELIGIBLE ESTABLISHMENTS; CREATE APPLICATION REQUIREMENTS; PROVIDE FOR RENEWALS; ESTABLISH MINIMUM PERFORMANCE STANDARDS, CRITERIA, AND CONDITIONS; PROVIDE FOR PENALTIES, ENFORCEMENT, AND APPEALS; AND CREATE A REPORTING REQUIREMENT; BY CREATING SECTION 6-3.1, ENTITLED "RESPONSIBLE VENDOR QUALIFICATION," TO ESTABLISH CRITERIA FOR AN ALCOHOLIC BEVERAGE ESTABLISHMENT TO QUALIFY AS A RESPONSIBLE VENDOR; AND AMENDING SECTION 6-4, ENTITLED "LOCATION AND USE RESTRICTIONS," TO ESTABLISH MINIMUM DISTANCE SEPARATION REQUIREMENTS FOR ESTABLISHMENTS HOLDING APPROVAL TO SERVE ALCOHOLIC BEVERAGES AFTER 2:00 A.M.; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

First Reading

Planning/Office of the City Attorney
Mayor Dan Gelber
Supplemental updated on 2/4/2022
(Memorandum and Ordinance)

ACTION: Ordinance adopted on First Reading as amended. Title of the Ordinance read into the record. The Item was heard in conjunction with related Items R5 Q, R5 R, R5 S, R5 T, R5 U, R9 E, R9 F, and R9 G. See comments and action with R5 Q. Motion made by Commissioner Samuelian to adopt the Ordinance on First Reading as amended; seconded by Mayor Gelber. Roll Call: 5-2. Opposed: Vice-Mayor Richardson and Commissioner Arriola. Second Reading Public Hearing scheduled for April 6, 2022. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda, if received. **Thomas Mooney and Office of the City Attorney and Thomas Mooney to handle.**

AMENDMENTS:

Include all the performance and geographic exemptions with requirements

- Include Collins Park area (3): Those properties are located within the area bounded by 19th Street on the south, Liberty Avenue on the west, Collins Avenue on the east, and 21st Street on the north.
- Delete (a)(1) and remove oceanfront hotels with a minimum of 200 units and amend (b)(1) to say: East Collins - Those hotels with a minimum of 200 rooms east of Collins Avenue, south of 46th Street, and north of 15th Street.
- Add the area of 65th to 75th Streets (*Vice-Mayor Richardson's Item 7*) - Collins Avenue north - those properties fronting Collins Avenue from 65th Street 75th Street, including a capacity limit of 100 patrons.
- Include a 2:00 a.m. with no exceptions for the 41st Street area.
- Leave Item (7) (**Supplemental Material 1, Page 80**) the way it is: Lincoln Road. Those properties fronting Lincoln Road from Washington Avenue to Collins Avenue.
- Add new subsection (8) including properties fronting Lincoln Road from Washington Avenue to Jefferson Avenue, subject to capacity restriction.
- Consider exemption to say restaurants that have a certain amount of food versus liquor.
- Normandy Drive - Amend the geographic area, not the capacity.
- East Collins Avenue - oceanfront hotels will be combined with the east of Collins Avenue geographic area and consist of those hotels with a minimum of 200 rooms located east of Collins Avenue and south of 46th Street and north of 15th Street {Option 4 (1) Supp 1}.
- Delete subsection (2) Lower Washington Avenue.
- Remove subsection (5) ADCD (see R5 Q vote).
- Remove subsection (6) Lower Alton Road.
- Provide that extended hours of approval only apply to existing establishments not prospectively to any new establishment. (See R5 U) instead of minimum distance separation, they would have this

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hard cut off prospectively, so they will amend to add stop new 5:00 a.m. establishments from coming in between First and Second Reading.

DIRECTION:

Refer to the Neighborhood and Quality of Life Committee between First and Second Reading. **Mark Taxis to place on the Committee Agenda.**

Handouts or Reference Materials

1. Miami Beach United Resolutions For Commission Meeting of February 9, 2022 – R5 P - Supports.
2. Email from Timothy Schmand, tim@lincolnrd.com, Date: January 31, 2022, RE: A Resolution of the LRBID Board of Directors Proposing a Sale/Consumption of Alcoholic Beverages Policy within the Boundaries of the Lincoln Road BID. Attachment: Resolution 21-22-03.
3. Handout from Mayor Gelber. Distributed on the dais. Title: 2 a.m. Considerations by Neighborhood/Region – In all Versions 2 a.m. Stop for Outdoor Cafes – CITYWIDE – Even on Private Property.
4. Handout from Vice-Mayor Richardson. Distributed on the dais. Title: R5 P – Alcohol Hours of Sale – Amendment by Vice-Commissioner David Richardson.

9:20:32 a.m.

11:48:10 a.m.

R5 Q AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 6 OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, ENTITLED "ALCOHOLIC BEVERAGES," BY AMENDING ARTICLE I, ENTITLED "IN GENERAL," BY AMENDING SECTION 6-3 THEREOF, ENTITLED "HOURS OF SALE/VIOLATIONS," TO UNIFORMLY PROHIBIT THE SALE AND SERVICE OF ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION BETWEEN THE HOURS OF 2:00 A.M. AND 8:00 A.M. EACH NIGHT AT ALCOHOLIC BEVERAGE ESTABLISHMENTS LOCATED WITHIN THE AREA GENERALLY BOUNDED BY EUCLID AVENUE ON THE WEST, THE ATLANTIC OCEAN ON THE EAST, 16TH STREET ON THE NORTH, AND 5TH STREET ON THE SOUTH; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

First Reading

Office of the City Attorney

Commissioner Mark Samuelian

Supplemental updated on 2/4/2022

(Memorandum and Ordinance)

ACTION: Ordinance adopted on First Reading as amended. Title of the Ordinance read into the record. The Item was heard in conjunction with related Items R5 P, R5 R, R5 S, R5 T, R5 U, R9 E, R9 F, and R9 G. Motion made by Commissioner Samuelian to adopt the Ordinance on First Reading as amended, seconded by Mayor Gelber. Roll Call: 6-1; Opposed: Commissioner Arriola. Second Reading Public Hearing scheduled for April 6, 2022. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda, if received. **Office of the City Attorney and Thomas Mooney to handle.**

AMENDMENT:

- Include a 2:00 a.m. alcohol hour sale in the Art Deco Cultural District with no exemptions, except for exemptions to be determined between First and Second Reading.
- Refer to the March 23, 2022, Neighborhood and Quality of Life Committee. **Mark Taxis to place on the Committee Agenda.**

Mayor Gelber explained the process due to the complexity of the Items and stated he distributed a sheet that lists areas throughout the City; there are also maps of those areas and categories called 2:00 a.m. with no exemptions, and a category called extended hours available requirements for alcohol. The City Commission had an extensive conversation the last time, and he wanted to allow everyone to weigh in with their thoughts because as Mayor he wants to try to create a process that gets them to consensus. The challenge is that they need four votes to pass some things. However, they also need five votes in certain areas. The 2:00 a.m. alcohol prohibition was passed on a Straw Ballot with exemptions that were not defined. On South of Fifth, for instance, some exemptions are in the City's Land Development Regulations, which means that they may have to send that somewhere else with a 5/7 vote. Some things may require a 5/7-vote, other things may require a 4/7-vote, and that may have the impact of leaving some places with a grandfathering by the operation of law. However, he wants their experts to explain. Four Commissioners, including him, have different approaches, tool kits, and different goals. This is to be expected from a Body of different people. However, staff had to do a lot of legal and planning work, and for that, he thanked Tom Mooney, Rafael A. Paz, and Nick Kallergis on behalf of the Commission for all their efforts. Mayor Gelber asked them to explain the challenges, regulations, and the Ordinance, so that the Commission understands what it is that they need to do.

Thomas Mooney, Planning Director, provided a general overview at Mayor Gelber's request. On January 12, 2022, they had a Special Commission Meeting where they discussed different options presented for discussion purposes. The direction staff received from that meeting resulted in a draft Ordinance that has been submitted as R5 P sponsored by Mayor Gelber. Regarding the overall policy direction, they are proposing to place all the regulations pertaining to the sale of alcohol within Chapter 6. The proposed Ordinance under R5 P contemplates moving all the regulations regarding the sale of alcohol and beverages for consumption on premises into Chapter 6. Currently, some hours regulations are sporadically located throughout Chapter 142, which is the Land Development Regulations (LDR), in particular the Sunset Harbour, 41st Street, the west side of Alton Road, and the South of Fifth areas have overlays that have a 2:00 a.m. closing time. Except for Sunset Harbour, which would remove their 2:00 a.m. exemption, the other three areas do contain an exemption for those alcoholic beverages establishments that have a license to sell alcohol after 2:00 a.m. that were in place at the adoption of those overlays, and those exemptions have remained in place within the Land Development Regulations. The three referrals to the Planning Board (R9 E, R9 F, and R9 G), propose to repeal those exemptions, like what was done in the Sunset Harbour area. In answering Mayor Gelber, Mr. Mooney stated that it takes four votes to refer the three Land Development Regulation amendments to the Planning Board, who will then make a recommendation and transmit it to the City Commission. Assuming the Planning Board makes their recommendation on February 22, 2022, they will be bringing First Reading Ordinance to the City Commission at the March 9, 2022, Commission Meeting. To approve Land Development Regulation amendments and repeal those exemptions in those three areas, a 5/7 vote of the City Commission is required.

Mayor Gelber is proposing to try to pass this today on First Reading. If there is a referral requirement, then the referral would be made, and it would all come back. They probably will end up with an extra meeting in between. Before passing those attendant referrals, it would require two meetings, and if they pass this today, he thinks it makes sense to do so, realizing that they will get a Second Reading and that they are also going to send it to the Planning Board. The Commission can pass them both on Second Reading at the following Commission Meeting. He asked Rafael A. Paz if that would work.

City Attorney Rafael A. Paz stated that R5 P or any version thereof, to adopt it on First Reading, refer the Items to the Planning Board that require a referral, and when they come back, they have to have the First Reading on those Ordinances, and then to have Second Reading of all the Ordinances together at the same time. In answering Mayor Gelber, he added that the proposed Ordinances should

track each other so they see where they land Citywide in all the areas under consideration on final approval.

Mayor Gelber suggested passing the Item on First Reading and using an extra meeting in between due to the complexity of the legislation. He clarified that his Ordinance includes options because he did not want anyone to think they were his ideas, but it also reflects those ideas from members of the Body. The idea is that hopefully they pass the Item today, make the attended referrals, if necessary, go to Planning, and come back on First Reading. They will wait to do Second Reading on this until Second Reading on the Planning Board referrals are back. However, they do not know what the Planning Board is going to do. That is the process.

Commissioner Rosen Gonzalez asked City Attorney Paz if they could pass an Item noticed as a Referral as an Ordinance.

City Attorney Rafael A. Paz explained that the referrals need to go to the Planning Board first, and they will come back for two readings.

Commissioner Rosen Gonzalez wants everyone who wants to be able to speak or listen to the conversation to have the opportunity and this was noticed yesterday, so that is going to the Planning Board, and it is coming back in March on First Reading. She asked why pass it on First Reading now.

City Clerk Granado clarified that what Mayor Gelber is saying is to have Second Reading of the Ordinance in April.

Mayor Gelber agrees that they do need to give people opportunities. However, he does not want them to come to a judgment in such a short-time period that nobody gets a chance to win. He suggested passing something today because that will get them the referrals consistent with what they agree on. If they decide to have a hard 2:00 a.m. on South of Fifth, for instance, then the Land Development Regulation has a referral and they will come back on First Reading that requires a 5/7 vote. There will have many opportunities for the public to hear the issue and understand and for them to debate the issue. This is not to be done fast and furious, but methodically so that everyone knows. Today if they pass something on First Reading and make referrals to the Planning Board, the Board will hear the referrals on February 22, 2022, and the referrals will come back to the City Commission on March 9, 2022, as the First Reading of an Ordinance.

Commissioner Rosen Gonzalez added that when the referral comes back from the Planning Board, they may get input that they have not even discussed due to the Sunshine Law and suggested waiting until the March Commission Meeting to see what the Planning Board has to say, and based on that, craft something for April instead of trying to jam it through it. She would like to offer the public notice based on what the Planning Board says, as they deserve it and there is a lot of input. In the interim, they are also waiting for the Third District Court of Appeals to come back with a decision; the City Attorney said they should get that decision before doing anything. She thinks that is the fairest and most transparent process.

Rafael A. Paz, City Attorney, stated that ordinarily an Item coming back from the Planning Board comes back in the form of an Ordinance, and if the Commission wants to discuss it and not adopt it on First Reading on March 9, 2022, that it is the City Commission's prerogative.

Mayor Gelber stated that none of these Items are secret Items, both Ordinance and the Land Development Regulation require two readings including a Public Hearing, so there is no chance the

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public will not have notice of what it is. The reason is being done this way is that there is a tug going of the Planning Board referrals to the Ordinance, which is unknown at this point. Hypothetically, if the Commission passes something today and the Planning Board hears the referral on March 9, 2022, the First Reading of the referrals would be heard, and the Second Reading would be the April or a Special Meeting if called, sometime in March or April. Therefore, there would be at least two public hearings on everything. They require a 5/7 vote on the Land Development Regulations so the City Commission will have to agree on that.

In answering Mayor Gelber, Thomas Mooney, Planning Director, stated that there is one repeal of the exceptions occurring applicable to South of Fifth, another exemption applies to those establishments that are 5:00 a.m. on the west side of Alton Road, and for one establishment on 41st Street.

Mayor Gelber continued explaining that those are the three affected by the Land Development Regulations.

Nick Kallergis, Deputy City Attorney, recommended that Chapter 6, the R5 P Ordinance, be amended to show they still have these exceptions in the Land Development Regulations.

Mayor Gelber added that if they did not get a 5/7 vote on those exemptions, they might be compelled to grandfather them in in existing places to permit them to continue to serve until 5: 00 a.m. This is complex and there are many moving parts. For the record, the chart distributed he put together based on everything everyone in the City Commission put in as recommended by some Commissioners and himself.

Commissioner Samuelian stated, as a point of information, that they have a live Item at the Neighborhood and Quality of Life Committee referred in December. At the Committee meeting in March, there will be an opportunity for further dialogue and public discussion. If they are intending on having the Second Readings come all together, he suggested as there are many moving parts. The referrals are on the critical path because they have four steps; they need to vote, Planning Board needs to act, and then they have two actions. The three referrals are absolutely at the top in terms of the critical path if they need to land together.

Commissioner Rosen Gonzalez thinks that South of Fifth has come to an accord, and they are ready for the Planning Board referral. However, some of these other areas are not. She had a group come to her and they just found out about it yesterday, they made a significant investment and were not noticed and did not understand what was going on. There is work to be done in the other areas. She added that she is empathetic. In voting, she tries to put herself in the person's shoes and tries to see how it is going to affect them. If she were in that position, she would at least want the opportunity to advocate for an exemption in her place. That is not even happening here, because when referred to the Planning Board, it becomes zoning in progress. South of Fifth has a Neighborhood Association that got together and worked with stakeholders in the neighborhood, they did the work. However, other neighborhoods have not done so.

Mayor Gelber explained that in his view they have been litigating this publicly for some time and they had an entire Ballot Item where many of these were discussed. Everyone knows how this is potentially going to impact them, the Commission cannot just keep waiting. He added that the Legislature is considering at least two items that would potentially preempt their actions. If the Commission sits around and keeps kicking the can down the road, it is possible they may not even have a meeting to do anything on and they would have denied residents the opportunity to do something that the residents voted for substantially. It is incumbent on them to come to a 4/7 vote or 5/7 vote. He wants everyone to

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understand that the four votes are for the Ordinance, and the five votes are for the returning Land Development Regulation Ordinance, which they will either pass or not pass. By the failure to pass they will be grandfathered in some places. There will be an opportunity for people to weigh in. By setting up this calendar there is possibly two months between First and Second Reading on this Ordinance and First and Second Reading on a Land Development Regulation that they have not even received. There is a huge amount of time for everybody to weigh in. However, they cannot stay in the infinite moment. The Commission needs to take the first step today for it to happen promptly, because everybody has led them to know how they feel, and they have their views. He would like to go through this because they need to come to a judgment as to what that Ordinance is going to be. He asked staff to refer to the chart below and explain further.

Deputy City Attorney Nick Kallergis passed out maps to the Commission to aid in their discussions. The first two maps show the geographic areas identified in R5 P, which is the Ordinance sponsored by Mayor Gelber. The next three maps correspond with the referrals to the Planning Board.

Mayor Gelber added that above the bold line on top are essentially the areas he and Commissioner Samuelian addressed. The ones below are more his and other areas that need to be thought of separately. The last one is something from Commissioner Fernandez on just Spring Break 2022, which he put in as it is relevant to the discussion.

Thomas Mooney, Planning Director, stated that it is important to point out that given the direction by the City Commission on January 12, 2022, they produced the draft Ordinance that is R5 P. In it they included geographic areas for discussion purposes. The draft for R5 P has two major components: the first is establishing geographic areas for which extended hours permits would be allowed. The Ordinance itself envisions a rollback to 2:00 a.m. Citywide for all properties and districts. However, then creates extended hours exemptions. The first component is the geographic areas. The different Ordinance versions have variations on these geographic areas. R5 P takes the four geographic areas

2am considerations by neighborhood/region - in all versions, 2am stop for outdoor cafes - CITYWIDE - even on private property		
Areas	2am - no exceptions	Extended hours available - requirements for alcohol
South of Fifth		
ADCD (5th-16th, E of Collins)		
Lower Washington (5th-Lincoln)		
Española Way - W of Washington, E of Drexel		
Española Way - E of Washington, W of Collins		
East Collins (ocean-front, north of 15th, South of 46th)		
West Avenue and Alton (8th-Collins Canal)		
41st Street		
Collins Park (south of 23rd, north of 19th, between Collins and Liberty Ave? Washington Ave?)		
Normandy Drive (S Side of Normandy, N Side of 71st, between Rue Notre Dame & Vendome		
Spring Break 2022		

slightly modified originally presented to the Commission on January 12. However, then also creates three additional areas for purposes of discussion that were part of Option 3, which was presented at the January 12 Meeting. The other component to R5 P is the establishment of application and performance standards in criteria, which is something they worked closely with Outside Counsel on to make it as measurable and defensible as possible. They need to emphasize that much of this criteria and application process is going to need a rigorous fiscal impact analysis because they think it will have budgetary and staffing implications. Regarding the different areas proposed, the South of Fifth area would be everything south of 5th Street; currently, there is a 2:00 a.m. limitation in the South of Fifth area with limited exemptions for those entities that established their 5:00 a.m. license before the 2:00

a.m. going into effect, and the Art Deco Cultural District area.

Mayor Gelber clarified that South of Fifth has a few exemptions already in place, and SOFNA (South of Fifth Neighborhood Association) is also supportive of a small operator neighborhood bar exemption in a

certain area. If the Commission wanted to, they could follow that 2:00 a.m. across the board and allow for this neighborhood bar exemption. Commissioner Samuelian also has an Item with limited exemptions and asked if it would prevent other neighborhood bars from cropping up.

Thomas Mooney, Planning Director, stated that if it were a geographic bound exemption and there were distance separation requirements and other standards, it would be difficult for new establishments to open. However, they need to fine-tune what these regulations are.

Mayor Gelber asked about other options if they wanted to grandfather in the neighborhood under 100 occupancy exemption like what SOFNA sent them.

Nick Kallergis, Deputy City Attorney, explained that would require an amendment to the Item being referred under R9 E.

Mayor Gelber stated that if they follow what SOFNA sent them, they can hardly stop at 2:00 a.m. and allow for a neighborhood bar exemption as they suggested. However, they can do it geographically or by grandfathering somebody in.

Commissioner Samuelian stated this is one of his Items. However, he thinks they said they were open to the idea, but he is not sure that he took away that they said this is what it should be. He heard a degree of flexibility, so he does not want to prejudge where they were going with that.

Vice-Mayor Richardson stated that the referrals that cover three geographic areas are specific in terms of ideas. Once they are referred, is the Planning Board going to evaluate the geography and get back to the Commission with what they think, or will they be permitted to address this specific language in the referral only?

Nick Kallergis, Deputy City Attorney, stated the referrals as drafted are to repeal the exemptions entirely. However, if the City Commission gives them direction today that they would like the Planning Board also to look at permitting limited exemptions for neighborhood bars subject to criteria, they will prepare that for the Planning Board.

Vice-Mayor Richardson thinks they need public input and neighborhoods are working out between operators and the community. It may be better for them to take these three referrals and rather than being specific, to say to the Planning Board give the City Commission their opinion on these three specific areas, because what is in these referrals now is not what they are hearing from these communities. He requested the Planning Board take these three areas and let the Commission know what they think. Then the Commission can accept or reject that by 5/7 votes. However, he does not want to send these three to the Planning Board and say they can only address what is in the referral, because as Commissioner Rosen Gonzalez mentioned, what is coming back out of South of Fifth is different from what is in this referral. He does not want to be limited to just what is in the referral.

Mayor Gelber summarized that they will send the referral to the Planning Board for review, and the Planning Board will send back their thoughts; it is not binding on the City Commission. He is not trying to telegraph his view on this. However, if the Commission sends the Planning Board something in an area, they are going to hold public hearings on the issue as well, then the Planning Board will send it back to Commission for action. If the Commission cannot get 5/7 votes, the current Land Development Regulation and those exemptions will remain.

Commissioner Rosen Gonzalez suggested adding to Commissioner Samuelian's referral to include what SOFNA has given them.

Vice-Mayor Richardson agrees and the point he was making was that what they are hearing out of SOFNA is different from what is on the referral. He does not want to bind the Planning Board just to address what is on the referral. He offered to move the three referrals to the Planning Board. However, to add that they would consider any other options and not just be limited to the plain text that is in the referral; it is an advisory recommendation that will come back to the City Commission for action. He is curious to hear what the Planning Board has to say about the geographic area and not just the specifics of the referrals.

Commissioner Samuelian commented that these referrals are going to the Planning Board in an advisory nature; the two he sponsored are identical and there have been no changes since last on the Agenda. They look for the advisory view of the Planning Board. The SOFNA Resolution raises an important point. He thinks it is important that the Commission do its best to avoid picking winners and losers. Whatever they agree to do must be legally robust. He read an excerpt from the SOFNA Resolution received via email "If legally defensible, we are open to considering various options for existing small venues that are fully enclosed, i.e., occupancy." He is not sure if that is a recommendation.

Mayor Gelber added that there is something organic about this in that when it comes back, they will need five votes and that is why they need to pass something on First Reading so that the Planning Board can see what they are thinking, and they can moderate their approach to helping them as opposed to deciding that they have a different view entirely. The Commission must give them direction and that is why the referrals may have to be modified as they go through them. They can come back to those referrals. However, now everyone understands that they need to pass an Ordinance on First Reading, they need to send referrals to the Planning Board, and that will come back as an Ordinance. They will hear that on First Reading, and they will hold Second Hearing on April 9 or a date before if a Special Commission Meeting is called to hear both Items.

Vice-Mayor Richardson does not share the view that they need to pass something on First Reading today and he thinks the train is moving very quickly. He is also concerned about the comment about giving the Planning Board guidance because this Commission sits at a higher level than the Planning Board. The Commission should be getting input from the lower Board to come for their consideration rather than dictating or suggesting to them how they do their work. He suggested referring the three Items that have been moved and seconded, with the amendment that they consider the geographic areas, South of Fifth, the Alton, West Avenue corridor, and 41st Street, get guidance from the Planning Board and do what they need to do in terms of looking at geographic areas. This is one of the most important decisions they are going to make in the City, and they should not do it overnight. He is not troubled by what is going on in Tallahassee because the Session is going to end in early March and nothing they can do can be completed by early March.

Referral moved by Vice-Mayor Richardson; seconded by Commissioner Arriola.

Mayor Gelber thinks on this issue they are on opposite sides and reiterated that they must act on this issue. They cannot take this to infinity and constantly decide until they reach total agreement they are not going to begin to vote. The way they reach an agreement is to find out whether four Commissioners agree. They must move forward, and they will make the referrals.

Commissioner Rosen Gonzalez asked Vice-Mayor Richardson to repeat his motion.

R9 E, R9 F, and R9 G MOTION

Vice-Mayor Richardson explained that he moved the three referral Items to the Planning Board with an amendment that they are not limited to the plain language that is in the three referrals. However, the Planning Board is to consider the three geographic areas and come back and give the Commission their views on those three geographic areas. Seconded by Commissioner Arriola.

Discussion held.

Commissioner Samuelian has no problem with the Planning Board doing the work they should do, which is to consider the options. However, if that is the will of the Body to refer Items, R9 E, R9 F, and R9 G, and give direction to consider all options in this area, he is supportive.

Discussion held.

There being no objections, the discussion Items R9 E, R9 F, and R9 G were referred. Voice vote: 7-0.

Planning Director Thomas Mooney continued with the Art Deco Cultural District (ADCD) area, bounded generally between 5th and 15th Street east of Collins Avenue. Next is the Lower Washington Avenue area roughly between 5th Street and Lincoln Road directly abutting the ADCD District. Espanola Way is also connected to the Lower Washington Avenue area and it would be the area that is west of Washington Avenue and east of Drexel Avenue. The areas below this include east of Collins Avenue, which are primarily oceanfront hotels. Within R5 P they have two different options; one would be oceanfront hotels with a minimum number of rooms of 200; in this scenario, it is more of a defined geographic boundary which is those properties east of Collins Avenue oceanfront between 15th Street and 46th Street. While there are some residential apartments and condominiums within this geographic area, most of the buildings are hotel uses. The West Avenue and Alton Road corridor has currently a 2:00 a.m. hard stop on the west side of Alton Road with the exemption of those establishments that were grandfathered. On West Avenue, there are commonly referred to as legally nonconforming, hotels that would no longer be permitted in the West Avenue area to have a 5:00 a.m. license. The 41st Street area has an overlay with a 2:00 a.m. closing time. However, there is one establishment, the previous Forge Restaurant, which did have a 5:00 a.m. license. The modified boundary in the Collins Park area is an area predominantly for hotels and commercial uses and would be the area south of 23rd Street north of 19th Street between Collins Avenue and Liberty Avenue. There has been discussion as to whether it would make sense to extend those boundaries west towards Washington Avenue. The last geographic area, the Normandy Drive area, is the southside of Normandy Drive and the north side of 71st Street between Rue Notre Dame and Rue Vendome, and the reason those boundaries are so specific is that those properties form the interior area of that street and are not adjacent to or abutting any residential uses. Finally, there is a proposal that is nongeographic specific as drafted, to limit alcohol sales to 2:00 a.m. during the specified Spring Break period during March.

In answering Mayor Gelber, Commissioner Fernandez explained that he intended to have a standalone Item to ensure they have a standalone policy Citywide on Spring Break given the challenges they have had in the past.

Commissioner Samuelian appreciates Mayor Gelber's process and clarified that his Ordinance says 5th to 16th Street, which is different.

Deputy City Attorney Nick Kallergis explained that the ADCD in R5 P says 5th to 16th Street.

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City of Miami Beach Hybrid Commission Meeting/Presentations and Awards

Commissioner Samuelian clarified that sequentially it is important to have consistency and uniformity for all areas.

Discussion held.

Commissioner Rosen Gonzalez advocated that Collins Park should go up to 24th Street instead of 23rd Street. If they are offering other places the opportunity to apply for a license, they may have to extend that to Lincoln Road properties from Alton Road to the west of Collins Avenue to the east.

Mayor Gelber explained that he will have everyone talk on these items and he will try to keep track of where they are because, at some point, they are going to have to pass this by 4/7. There are probably going to be people that will vote in opposition to the Ordinance. However, he will give everyone a chance to speak. He urged them to put on the record all the points they want.

Commissioner Rosen Gonzalez advocated that these maps are inherently unfair. If they were going to go for the type of uniformity that Commissioner Samuelian is advocating for it will probably not stand up in a court of law. If they have these exemptions, they need to offer them to everyone. She knows that the Planning Board just voted to give Mila a 4:00 a.m. liquor license, which just happened last week. Suddenly, there is no longer equality, which does not seem fair. In fairness they must open the exemption process and should be very rigorous, so everyone is complying, and no residents are not upset. It should be open to everybody because what they are doing here does not seem fair or legal and she asked City Attorney to opine.

Rafael A. Paz, City Attorney, added that the law is clear that the Commission is entitled to create regulations that establish separate zones for alcohol hours, for extended alcohol hours, and locations. Under Florida law, the default rule is that Statewide the termination time for alcohol is midnight unless extended by County or municipality at whatever hours they determine or at their discretion and at the locations they determined are appropriate for extended hours. Whatever the Commission does here they are going to be challenged. They are dealing with entrenched interests, and they know that they will be dealing with the litigation. However, for purposes of this exercise, the Commission is entitled under Florida Law, under the *Makos v. Prince* case, which is a well-settled Florida Supreme Court case, to establish separate zones for alcohol hours.

Mayor Gelber summarized his thoughts and asked that they in a very direct way let him know. He understands that there may be an advantage to this crashing and burning because folks that do not want to do anything will prevail. However, at some point, they are going to vote by 4/7 or do nothing. He does not pretend to have great clarity on this, he does not know if any of them do. There are some things he feels surer about than others, and he will let the Commission know where he is open for compromise, and of course, the Planning Board is going to send this back. They will have two meetings to change minds and do something. If they do not get 5/7 votes on the geographic areas, then the decision will be made for them because they will not be able to get rid of the exemptions that exist now. He is agreeable with what SOFNA wants and if they want to create a 2:00 a.m. neighborhood bar exemption, he is agreeable with that too. The Art Deco Cultural District (ADCD), in his view, must be at 2:00 a.m. Police have repeatedly told the Commission that this area is a generator of a disproportionate amount of disorder. This is one area in the City that is underperforming horribly. People do not go there anymore because of the disorder. If there was one thing the voters believed they were voting on was this area, because over a million dollars spent were from the bars in that area, and the voters said they wanted 2:00 a.m. He does not think there should be any exemptions on Ocean Drive or Collins Avenue, not even one, not simply because of the disorder, but because there is a huge desire to reimagine that area from the proprietors themselves. Almost all the Ocean Drive Association has asked for 2:00 a.m.

He has talked to proprietors and bar owners who probably would want to reimagine themselves consistent with something that makes money but does not have the disorder. To give these areas an opportunity, he thinks it should be 2:00 a.m. with no exemptions. The Lower Washington Avenue and 5th Street to Lincoln Road should probably be 2:00 a.m. as it is a commercial area. He is opposed to exemptions but recognizes that it is different from other areas in the City because it is a Commercial District. Most of these areas are existing districts that have mixed-use and have residents there. Lower Washington is a CD-2 Commercial District. If they closed after 2:00 a.m. on Ocean Drive and they have limited exemptions on Washington Avenue he thinks that is manageable to the Police at the end of the day. Espanola Way east of Washington Avenue is the same thing and he does not have a strong opinion. Whatever they do with the extended hours if they have the exemptions, they must be limited with extremely high requirements of security and Off-duty Police. He likes Commissioner Samuelian's idea that any exemption only is somebody that is grandfathered in. If they grandfather everybody in they are just assuring that whatever is going on right now never changes and that to him is something they should not even vote on.

Commissioner Rosen Gonzalez added that this is about her Item and she understands that Mayor Gelber has friends in certain areas. However, other people have friends too.

Discussion held.

Mayor Gelber agrees with the view that 2:00 a.m. makes sense in all these areas. However, he is open and thinks it is still highly impactful, as long as South of Fifth is what it has, and the ADCD is a hard stop, that these other areas possibly could have exemptions but fewer and far between. However, going below the bar, this is an exemption he supports, it is the oceanfront hotel north of 15th Street. He does not think these places have ever impacted disorder, they tend to be self-contained and have security. They tend to have valet services, and he thinks that people come to the City for convention centers and there is no problem for him in allowing them to have a bar or club in their hotel that has all the protections that keep it from being generating disorder elsewhere, so he has supported that exemption from the beginning, and he has tried to be consistent. He is open to non-oceanfront hotels, but they would have to be of the same scale with security plans such as the ones discussed like the Loews, the Fontainebleau, and the Eden Roc, most of these should be 2:00 a.m. He was intrigued with the neighborhood bar exemption that South of Fifth seems to be agreeable with. The Collins Park area has borders and he could see something like that there or some exemption. The reason he would not support a change in the border is that he thinks that neighborhood has changed dramatically in the last 20 years and is about to change even more, with new Office Class A building about to open up right on that 23rd Street area, and when they have clubs on that area they end up with no daytime activation, and that area is becoming a cultural campus and it is important to have daytime activation, so he does not think they need clubs there. This is an area that is about to thrive as a cultural campus. The Normandy Drive was on the list because it qualifies as not being adjacent to a residential area. His overall view is that he is closer to Commissioner Samuelian and would support something like that. However, recognizes that limited exemptions in some areas, so long as they provide protections and thoughtfulness to the exemptions, will not result in the radiating of disorder to other areas, especially if they are limited and most of them do not have exemptions. In terms of Commissioner Fernandez's March plan, he thinks it is a good idea, and it would be difficult to tell some of the hotels on Collins Avenue who have contracts and such, the same reason he thought this should be an exemption in the underlying Ordinance he would urge an exemption there, as it would be helpful in March to have a 2:00 a.m. stop Citywide. However, he does not think they need it in those hotels north, and he will probably make that recommendation when they discuss his Item.

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Vice-Mayor Richardson wants to listen to his colleagues. He has some ideas and has even drafted some potential amendments.

Mayor Gelber asked his colleagues to take their time and let him know what it is that they are interested in passing, if that is the will of the Commission, and to try to get some consensus.

Commissioner Samuelian believes they need to honor the will of the voters. He is greatly appreciative of the referral to South of Fifth, which is a positive step forward, and he has been advocating for 2:00 a.m. Citywide with no exemptions, which is his starting point; that said, he thinks above the black line Art Deco Cultural District, Washington Avenue, and Espanola Way he would be 2:00 a.m. no exemptions in that area. They heard from the Flamingo Park Neighborhood Association and that area has been problematic, so for him, he would say 2:00 a.m. no exemptions. If pushed for exemptions moving forward, he thinks the larger hotels north are the areas below the line in Collins Avenue where exemptions have a place, that would be the one for him. He is a hard redline on anything west in Alton Road as those are residential areas. They talk about exemptions, and he knows in his personal view that he would not want a 5:00 a.m. place on his block, so he encourages them to keep that in mind. He likes what they did on 41st Street, and generally, he is for no exemptions. However, on Collins Park and Normandy, they can have a conversation. He strongly requested a 2:00 a.m. above the line, and if there is a redline and that is not the will of the Body, he will not support separating and treating one of those streets differently. Finally, he likes the 2:00 a.m. idea that Commissioner Fernandez proffered, he thinks it is smart and a good message. He knows they have been doing a lot to get prepared. However, they are also taxing their employees and he thinks some people have not gotten the message that this is not anything goes 5:00 a.m. town, and Commissioner Fernandez's idea gives them the right message, and if anything, he would just extend it a bit, so generally he is supportive of that.

2am considerations by neighborhood/region - in all versions, 2am stop for outdoor cafes - CITYWIDE - even on private property		
Areas	2am - no exceptions	Extended hours available - requirements for alcohol
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41st Street		
Collins Park (south of 23rd, north of 19th, between Collins and Liberty Ave? Washington Ave?)		
Normandy Drive (S Side of Normandy, N Side of 71st, between Rue Notre Dame & Vendome		
Spring Break 2022		

Mayor Gelber clarified that Commissioner Samuelian will not support anything above the line if either they all have the exemptions or none of them have the exemptions, so that means that either everyone is going to have to grant the exemptions or everybody is going to get exemptions, and what are going to be those exemptions.

Commissioner Samuelian explained that Mayor Gelber's proposal and the Resolution are identical, and he thinks the City Attorney's Office and the City Administration did a great job, and it is exactly as they are articulated in those exemptions.

Commissioner Arriola commended Mayor Gelber for taking a pragmatic and practical approach and he listened to him carefully and took notes. He likes his thought process for each of these. They agree with the locations, rationale, and even in areas where they do not have a strong opinion and are appreciative that he is flexible. He is, unlike Commissioner Samuelian, against a hard no exemption 2:00 a.m., he thinks that is a tragic mistake and encourages them not to pursue that line. Part of what

Miami Beach is and has made them successful is a tourist destination where people can come and experience their nightlife, is part of their ecosystem, it provides jobs not only for folks that work in the nightlife entertainment industries but everything that is supported by it, so restaurants, hotels, retail establishments that are not open until 5:00 a.m. but are supported by the residents and tourists that come to enjoy what the City has to offer during the daytime, so having a heavy hand one-size-fits-all approach has unintended consequences to that ecosystem so they need to thread carefully. However, he is directionally supportive of what Mayor Gelber outlined for the reasons he outlined them. He thinks that one size does not fit all so 2:00 a.m. would not get his support if it were Citywide with no exemptions. He has said since elected six years ago that 2:00 a.m. he would be comfortable as the standard starting place. However, there is a path for businesses that can establish and abide by rules of the road that they would outline that 5:00 a.m. is the exemption, and they can apply for a 5:00 a.m. liquor license if they comply with certain exemptions, so they need to try to identify what are those exemptions, where do they want them in the City, and how are those crafted. For example, no underage drinking, no legal activities within the club, no overcrowding, have appropriate security and noise mitigation, and things that if a business establishment can provide them with their plans and abide by those, then they could avail themselves of the 5:00 a.m. exemption, and it would have to be in zones that they believe would be appropriate. Citywide there are local clubs that have proven themselves to be good neighbors that have become institutions, to name a few, Club Deuce, Twist, among others, they have been around for a long time and have not caused much in the way of problems and many consider a neighborhood amenity. Also, many people work late or odd hours and the only time they could go to get a drink with a colleague is later at night, so they must be mindful of that. Tourists come here for the nightlife entertainment amenities, and they must be mindful of that and how they support the ecosystem outlined earlier. Mayor Gelber talked about the South of Fifth neighborhood and the discussions taking place with SOFNA and local establishments and directionally is a good thing if they want to support local bar exemptions, he is amenable to that. Concerning the Ocean Drive east of Collins Avenue, ADCD, since being a Commissioner he has been at the front line trying to work with them to try to get them to comply with reasonable business rules and they cannot regulate themselves, so he has gotten very frustrated. He will be supportive with no exemptions for that area until such time until the area is under control regardless of the countless resources invested there. Commissioner Arriola believes that Lower Washington Avenue must have exemptions as that can be a good hub for quality nightclubs; he wants to see fewer but better nightclubs, which would be important for them to do that. He does not have a firm opinion regarding Espanola Way. Oceanfront hotels for the reasons articulated with certain conditions 5:00 a.m. would be appropriate. West Avenue if there are already established, they would be grandfathered in; he thinks there will be a lawsuit that they would not prevail. On Collins Park he thinks it is important to include whether it is to 24th Avenue so that establishments already there north of 23rd Street do not cause issues, he would want to see them continue to have 5:00 a.m. privileges, and the same with the Normandy Drive area by carving out exemptions with which they can live. There are good neighborhood clubs that do not cause a lot of problems and he would be agreeable with that area as well.

Discussion held.

Commissioner Samuelian stated that on (hotel) exemptions he specifically called the east Collins Avenue as a potential exemption. He is in favor of a 2:00 a.m. Citywide. However, if it were the will of the Body that would be an exemption, Normandy does not give him heartburn. However, clarified that above the line where a lot of the action is, he just wants that area treated consistently. What happens on Ocean Drive happens on Washington Avenue and Espanola Way, and his personal view is 2:00 a.m. no exemptions. However, he is most critical is to treat areas consistently.

Discussion continued regarding exemptions.

Vice-Mayor Richardson added that he is looking at the list in a very comprehensive, holistic way, and added that he sees three elements in an Ordinance, the geography, which they are talking about today, some of these performance items, and the application process, so, for now, they are just talking about geography. He asked Deputy City Attorney Nick Kallergis to distribute a document he drafted with some tweaks he made on the Ordinance for members to see. First, he is not going to opine today on South of Fifth because they referred that Item to the Planning Board, and he does not want to signal to them how they should act and thinks they should wait for that to come back to the City Commission. Regarding the ADCD or South Beach Cultural and Entertainment District, he agrees with Commissioner Samuelian that they need to treat this area in the same way. He also mentioned at the last meeting that he spent time plotting out the map on the 25 precincts, and it is remarkable that this area was not in favor of a 2:00 a.m. The voters in those areas in the three precincts that overlap this area were not in favor of 2:00 a.m., maybe that is because many hospitality workers are living at the end of the South Beach and Flamingo Park area. However, he believes this should be a 5:00 a.m. area and he is not going to give exemptions and treat one street differently from the other, because it is not fair, and it is spot zoning, so what he suggested is Washington Avenue to the ocean at 5:00 a.m. Another conversation is about existing businesses and whether new businesses; he thinks this can be tricky because businesses can come and go or sold, so they must be careful about that. On Espanola Way he had originally drafted that as Item b)5 to Pennsylvania Avenue. However, he agrees with what is written here, so he would change the last word in #5 to **Drexel Avenue** rather than Pennsylvania Avenue. He combined what was previously #2 and #5 and moved it all to #5 to say: those properties along Washington Avenue, Collins Avenue, Ocean Drive, between 5th Street on the south and 17th Street on the north, including side streets, and those properties along Espanola Way between Drexel Avenue and Collins Avenue, to be treated as a 5:00 a.m. area. Below the line on the east Collins Avenue, 15th to 46 Streets, that area is mostly the big boxes and hotels and explained that he changed oceanfront to the **waterfront** because he does not understand why they would treat that any differently. He also changed the room occupancy from 200 to 150 and he does not have a property in mind. He read language added into the record: *“for waterfront hotels with a minimum of 150 rooms and with all pick-up and drop-off including a driveway or porte-cochere on private property.”* If the hotel does not have a pick-up and dropoff on their property, they would not get this exemption due to traffic concerns. He does not want to opine on West Avenue because the Planning Board has the referral, and the same happens with 41st Street. Regarding Collins Park, he is agreeable with that area and the exemption for 5:00 a.m. The Normandy Drive area needs to be tweaked; for example, right now it straps the south side of Normandy Drive and the north side of 41st Street, and he thinks that is a problem because the north side of 71st Street between Rue Notre Dame is across the street from a residential area, therefore, he would not go that far west, and so he has drafted Item #4 with those properties fronting the south side of Normandy Drive between Rue Notre Dame on the west and Bay Drive on the east, and those properties on both sides of 71st Street between Vichi Drive which is the street further east on the west and Collins Avenue on the east. The draft distributed excludes the commercial properties that are across from the Normandy Fountain, which is the only area where they could have a bar, and that may have been an error. However, he would tweak the language there. On the Spring Break Item, while he thinks it is well-intended, he is hopeful and expecting that Spring Break this year is going to go much better than it did last year because there was a lot of pinned up demand, they were the only place open, there were \$59 airfares and hundreds of illegal Airbnbs operating in the Flamingo Park area, with a lot of incentive checks and plenty of money floating from the federal government, so he expects things to go much better. However, he is concerned that if they decide to take this action on Spring Break, he does not think they will have a true measure of comparing their March Spring Break with what happened last year, because he thinks it will be calmer for the reasons mentioned, and so he would like to see how it goes. He expects Spring Break to go well. He does not like this very well-intended idea for that reason and he is more worried about contracts that hotels may already have and

whether or not the City is going to have some liability because of late notice. The City Manager has the authority to do emergencies up to 72 hours, so he would like to continue that and if they think there is a problem, the City Manager can shut things down for 72 hours on an emergency basis, and that is perfectly legal, and if more time is needed a meeting can be called. He stated that Item #7 is not on the sheet, and added that area which is a Commercial District on Collins Avenue between 65th and 75th Streets.

Mayor Gelber modified what he stated before since the process has become more difficult and everyone has micro-changes and asked for a vote.

R5 Q

Commissioner Samuelian moved R5 Q for the ADCD with no exemptions, seconded by Mayor Gelber.

In answering Commissioner Samuelian, Rafael A. Paz, City Attorney, explained that R5 Q is a hard 2:00 a.m. along Ocean Drive, 5th to 16th Street, Collins Avenue, Washington Avenue, and Espanola Way.

Deputy City Attorney Nick Kallergis clarified that R5 Q would draw a rectangle from Euclid Avenue on the west, east to the Atlantic Ocean, between 16th Street on the north and 5th Street on the south.

Mayor Gelber is proposing to begin by passing a hard stop in these areas, they will have another chance to modify it; Planning Board will send the Commission their views, there will be a couple of public hearings in between to decide if they want any exemptions. However, thinks they need to start from a template and set the canvas for them to do something else.

Deputy City Attorney Nick Kallergis explained that a motion and a second have been made and they can discuss the Item.

Discussion continued regarding the process.

City Attorney Rafael A. Paz clarified that Ocean Drive, Collins Avenue, Washington Avenue, and Espanola Way are not being referred to the Planning Board. It is just a First Reading. The recommendations that will come back from the Planning Board will be limited to South of Fifth, west Alton Road, and 41st Street.

Mayor Gelber added that on Second Reading they can craft exemptions if they want them. However, he thinks they ought to know what the Planning Board thinks of these other areas.

Thomas Mooney, Planning Director, asked if the City Commission wants the Planning Board to give them their thoughts and feedback on these areas as a separate non-binding discussion, instead of a recommendation?

Nick Kallergis, Deputy City Attorney, is not recommending that, as they are trying to remove alcohol regulations out of the Land Development Regulations. However, the City Commission has broad legislative authority in the context of alcoholic beverages.

Mayor Gelber added that for example on R5 P on Second Reading they can impose exemptions and create them in one of those areas. They need to take the first step before they clarify it, that is why there are two Readings and Public Hearings.

Moved by Commissioner Samuelian, seconded by Mayor Gelber.

Commissioner Meiner is in support. He agrees with Mayor Gelber because without that compromise made, they are not going to get there today, and that would be a huge disappointment to residents who voted for this, so he supports that and will come back and look at the exemptions. He did not like the way the Voter Referendum was drafted, it should have been much tighter and giving residents the ability to dictate exactly what they were going to do, and the way it was drafted did not do that and gave them a tremendous amount of discretion, where he would have preferred the discretion be in the hands of residents. They are working with the neighborhood groups. However, it is a process. If they poll each of the Commissioners, he thinks they will have seven different ways of doing this. However, ultimately it takes compromise, and he is willing to compromise to try to get to a landing. Additionally, he has specific questions on neighborhoods before they close the Item.

Commissioner Fernandez sees this from a perspective of residents' public safety whose quality of life is being affected and the deployment of resources to keep the area safe. He agrees with his colleagues that Washington Avenue, Collins Avenue, and Ocean Drive need to be treated as one unit as they are symbiotic, and what happens on Washington Avenue affects Collins Avenue and affects Ocean Drive. He is also very mindful of unintended consequences, and he does not want to see anywhere in the district that directly abuts where residents live; the masses of crowds that they have already seen in the past, and that type of disorderly behavior they need to make sure that there is a place to accommodate the number of people once 2:00 a.m. hits, and that is why he has always been consistent about a 2:00 a.m. with certain exemptions. He believes that having certain exemptions is very important because it also helps with the deployment of public safety resources to ensure that they are not scattered throughout a large district but more concentrated where those exemptions may exist, and because of that he feels that for establishments fronting Washington Avenue they should have a 2:00 a.m. rollback. However, also feels they could have exemptions for establishments that have licenses for restaurants, bars, and nightclubs, and perhaps establish an occupancy threshold so that it is limited by occupancy, and is only the larger establishments that can handle a larger number of people, so they do not have people gathering in the streets partying. The same could be said about Collins Avenue, they can say that restaurants and bar licenses establishments that might be nightclubs but are within the property of a hotel. He thinks if they look at that and look at the occupancy thresholds, establishments with an occupancy threshold over 500, that will keep people from gathering in the streets and it limits the amount of these establishments in the district. He feels the same about Ocean Drive. On Collins Avenue is important to consider hotels as they have a collection of historic hotels there. However, on Ocean Drive, he would go back and see establishments that have restaurant bar licenses, nightclub licenses, but with occupancy over 500, so that they leave on each one of these streets offerings. However, while transitioning their market. If they pass this overnight, no market changes overnight. People are still going to be coming to the City looking for a 5:00 a.m. activity and they do not want them gathering on the streets. However, they must transition their market and offerings so that they start creating this change in this district that is so important. If Planning staff can give guidance when they are talking about areas like Ocean Drive, Washington Avenue, and Collins Avenue, as to bigger establishments, which can occupy people in there that have licenses. What is the number of establishments there?

Thomas Mooney, Planning Director, stated that there are approximately 27 establishments, most in the South Beach area, with a maximum occupancy of 500, and out of the 27, 20 have a current 5:00 a.m. license, so there are establishments existing and potentially in the future that could accommodate larger occupational loads.

Mayor Gelber is proposing that they pass something on First Reading and include exemptions between First and Second Reading. He asked if Commissioner Fernandez is willing to support on First Reading, since he would have time to amend the exemptions, and urged him to consider at least potentially supporting R5 Q on First Reading with the clear notion that they have a couple of months to figure out where the exemptions lie and whether Commissioner Samuelian is amenable to those changes.

Commissioner Fernandez added that one of his concerns is with smaller neighborhood establishments since they can proliferate more, and crowd control activity, security plans, parking valet operations, off-duty, it tends to be more challenging for smaller establishments and those can spread the problem. When they talk about the larger establishments, they are much fewer and from what he gathered they tend to be more focused on their own security plan and crowd control. He is open to the idea of supporting the Item on First Reading, having it go to the Planning Board for feedback or Land Use and Sustainability Committee for fine-tuning. However, they must look at this from the optics that City resources need to be protected, and they do not change markets overnight, since people will keep coming to the beach looking for these offerings. This provides a transition. When talking about Espanola Way east and west, they have been incredibly good performers and he is flexible there. Collins Avenue east is open to the idea of extended hours. West Avenue and Alton Road he does not believe they should have exemptions as these are areas close to single-family residential neighborhoods. He is open to some exemptions in the Collins Park area and possibly some in the Normandy Drive area as well because they want to see that area thrive and prosper.

Commissioner Rosen Gonzalez asked what the difference is if there are exemptions between First and Second Reading.

Commissioner Arriola is against 2:00 a.m. on the entire area. Club Deuce, Twist, and others that do not cause any problem are going to have to close at 2:00 a.m. and that would be a mistake.

Commissioner Rosen Gonzalez offered a friendly amendment to Commissioner Samuelian's motion to do a 2:00 a.m. with exemptions on First Reading, to not create any mayhem and follow the will of the voters.

Commissioner Samuelian agrees that the ballot language left them in a tough spot. However, they cannot rewind. He clarified that R5 Q is just the expanded Art Deco Cultural District, and it does not preclude exemptions that they could have east of Collins Avenue in the hotels north; it does not preclude Normandy Drive. However, it just addresses this one area. While he is open in those other areas, he has been consistent for a long time that his personal view is the 2:00 a.m. without exemptions. At this moment he asked to pass R5 Q as is, although he would accept Commissioner Fernandez's request to stop at Neighborhood and Quality of Life (Neighborhood and Quality of Life Committee) to further discuss; he asks to pass this on First Reading and then in addition between First and Second Reading go to the Neighborhood and Quality of Life Committee to discuss before final passage.

Deputy City Attorney Nick Kallergis clarified that Item R5 Q addresses the expanded Art Deco Cultural District and does not preclude the City Commission from discussing other items on the Agenda.

Rafael A. Paz, City Attorney, added that it excludes any exemptions in that expanded ADCD.

Commissioner Rosen Gonzalez prefers to send this to the Neighborhood and Quality of Life Committee. She believes certain establishments such as Twist have never had a problem. They have huge gay tourism in Miami Beach and think people from all over the County go there, so she cannot

support the 2:00 a.m. with no exemptions, as she believes there are a couple of legacy businesses in the area that deserve exemptions. If on Second Reading Commissioner Fernandez is going to require exemptions and they must apply to everybody, she does not understand why they are going through these motions when they are getting to the same place.

Commissioner Fernandez clarified that he believes this symbiotic area of the City needs to be treated as one. They make an exemption that applies to Washington Avenue, then they should have a similar exemption that applies to Collins Avenue and Ocean Drive. However, for as much as he believes that a 2:00 a.m. is necessary for this area because of what he has personally witnessed walking those streets with the Miami Beach Police Department; being a gay man this City has assumed the responsibility to the LGBTQ community as a safe space for them. It was not imposed but they chose to be an LGBTQ safe space, and he does not want any policy or any vote that he takes going against who he is himself or that they displace from this community that has felt safe in the City and that it may not feel safe in other communities of South Florida. They have a responsibility to protect certain establishments; it is intrinsic in who they are, and he cannot vote for something that is going to hurt an establishment like Twist, where people feel safe, and that is personally wholesome to him.

Mayor Gelber stated that this is difficult as there are seven different views but either way, they have R5 Q and R5 P, so they are going to either deal with these areas or not deal with them at all. Due to the timetable created they can pass a couple of them with or without exemptions today, three Referrals are going to the Planning Board, a First Reading is potentially on March 9, 2022, and they can also hold First Reading for the rest of the Items. What are the exemptions and where? To say they are going to do it with exemptions when they do not know what they are is a concern to him.

Vice-Mayor Richardson, as a point of order, stated that Commissioner Rosen Gonzalez made a motion on the exemption and was asking the sponsor if he accepted it. However, procedurally the Item is to be before the Body, it is not the sponsor's decision to accept or reject the amendment; if a motion amendment is made, the amendment can be seconded. The Body decides whether the amendment is accepted, not the sponsor, and that applies to any Item, not just this one, per Robert Rules of Order. He thinks a motion was made to look at this Item with exemptions. If this is a motion, he would not second that motion to go to the Neighborhood and Quality of Life Committee because he thinks they should hear from the Planning Board, since the other three referrals went to the Planning Board and he would like to be consistent. He made a motion to amend R5 Q to include exemptions with a referral to the Planning Board, and let Planning look at it, and give the City Commission back something that would be advisory, so he can support this with the exemptions if they were referred in that manner.

Commissioners Rosen Gonzalez is in support.

Discussion continued.

R5 Q

Mayor Gelber explained that Item R5 R is the same thing with exemptions. Rather than amending what they have, he asked if Commissioner Fernandez wants to hear R5 R because the problem is exemptions and asked if he wants to amend R5 Q with 500 or more establishments.

Commissioner Fernandez stated that Twist has an occupancy of 557, and if he had to pick a winner or loser, he cannot vote against himself and who he is. The reason he is mentioning these exemptions is that they are licensed as a dancehall, entertainment with alcohol, nightclub, with restaurant and bar license over 500 patrons. If they just want to live it general and then work on this "sausage-making process" between now and Second Reading, they can do that.

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Mayor Gelber clarified that they must adopt something with specific exemptions delineated with enough direction for the Office of the City Attorney to craft language. However, the problem is that R5 Q has no exemptions and if they want to add exemptions today, then they must tell them what the exemptions are. Item R5 R is the performance-based exemptions submitted by Commissioner Samuelian, they can either call R5 R or pass R5 Q on First Reading and will come back with exemptions that the committee should hear.

Commissioner Fernandez will support R5 Q on First Reading and intends to come back with exemptions between First and Second Reading.

Nick Kallergis, Deputy City Attorney, suggested if interested in potential exemptions in the expanded ADCD, the best option is R5 R since R5 Q is not noticed as having any exemptions.

Discussion continued.

In answering Commissioner Fernandez, City Attorney Rafael A. Paz clarified that Item R5 R is treating the expanded Art Deco Cultural District the same and permitting going to baseline of 2:00 a.m. subject to exemptions for eligibility for certain establishments to go to 5:00 a.m. and they include performance criteria as well as operational criteria.

Vice-Mayor Richardson, as a point of order, reminded his colleagues that an amendment is before the Body.

Commissioner Rosen Gonzalez does not understand why he is pushing Commissioner Fernandez to vote for something without exemptions when he just said that he wanted exemptions, and they have an option with exemptions. She suggested taking Option B and referring that to the Planning Board which is holistic.

Mayor Gelber asked Commissioner Fernandez that R5 Q has been moved, and there is a motion for an amendment. However, asked him what he wants to do.

Commissioner Fernandez yielded to Vice-Mayor Richardson.

Vice-Mayor Richardson likes to follow the procedure, so they were on R5 Q, and he made a motion and it was seconded, to amend that to include exemptions with a referral to the Planning Board, for them to study the district and give them advice on that. Seconded by Commissioner Rosen Gonzalez, and if there are four votes, then the amendment would pass, and then they would amend Item R5 Q.

Rafael A. Paz, City Attorney, clarified that the amendment would be adopted and then they would need to vote on R5 Q as amended. In answering Mayor Gelber he explained that they are not identifying any exemptions whatsoever, they are fully delineated in the First Reading draft as part of R5 R. However, Vice-Mayor Richardson is correct in that there is a motion and a second on the floor.

Vice-Mayor Richardson clarified that his motion is asking the Planning Board to give the City Commission advice for their consideration on the exemption.

Commissioner Samuelian asked for clarification because they were talking about a referral to the Neighborhood and Quality of Life Committee at one point, which would allow the Body more time, and

he thought he heard from the City Attorney that they did not want these Items wrapped up in the Land Use zoning. He asked the City Attorney to expand on that.

Nick Kallergis, Deputy City Attorney, stated that the reason is that there is a long line of cases that state that alcohol hours are not zoning. They are creatures of zoning like vesting and grandfathering that do not apply to alcohol hours of service. To be consistent with the general recommendation today, to take all the regulations out of the Land Development Regulations, they recommend if the Body wants to refer any of these Items for further discussion, they recommend that they remain within the Committees of the City Commission.

11:26:39 a.m.

R5 Q AMENDMENT

Vice-Mayor Richardson appreciates the clarification, and if there is a referral, the recommendation is to refer it to the Neighborhood and Quality of Life Committee or any other committee of the City Commission. He amended his motion to refer the Item to the March 23, 2022, Neighborhood and Quality of Life Committee instead of the Planning Board. Referred unanimously; 7-0. **Mark Taxis to place on the Committee Agenda.**

Discussion held.

Commissioner Rosen Gonzalez explained to the public what is going on. They have decided that the expanded ADCD South Beach Entertainment District they are referring a 2:00 a.m. with exemption items to the Neighborhood and Quality of Life Committee where the public will have the opportunity to weigh in, and they will bring it back in April after the Neighborhoods meeting, and they will consider what those exemptions are going to be. She suggested referring the actual exemptions that are on R5 R alongside that Item as well to the Neighborhood and Quality of Life Committee so that at least they have a baseline of what the exemptions are.

Mayor Gelber stated R5 R has not been introduced formally.

Commissioner Fernandez added that if they are considering exemptions that would allow them to consider exemptions that may be included in R5 R. City Attorney Paz answered in the affirmative.

Commissioner Arriola explained that they are talking about exemptions in terms of areas, and as he sees R5 R title is about performance-based, it is not just going to be geographic areas. However, they will also have performance standards, so if they agree on areas where there will be exemptions, they still have the discussion perhaps at Committee as to what entitles them to a 5:00 a.m. For him to support that means that they will have security, capacity, etc., so areas and performance standards to be imposed to businesses that must be discussed.

Commissioner Rosen Gonzalez added that Item R5 R has the performance standards they all want, they want the security plans, cameras, that everything is safe, and that people who get an exemption do deserve the exemption, which is why the companion Item should also go to the Neighborhood and Quality of Life Committee along with R5 Q.

Commissioner Arriola opposes a 2:00 a.m. Citywide with no exemptions. He wants to see fewer but better nightclubs and bars with security, security cameras, because he wants guests and residents to feel safe when they go to these places, so businesses are welcomed to be here and comply with these standards, so people can come to the City, enjoy themselves, and know that they are not going to get

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shot or hassled when walking to a nightclub and let the nightclub industry feel welcome but expect them to live to higher standards.

Commissioner Meiner agrees with the referral to the Neighborhood and Quality of Life Committee; however, three Commissioners are not going to be there and suggested a Special Commission Meeting about that.

Vice-Mayor Richardson commented that on the motion on the amendment he assumed the Neighborhood and Quality of Life Committee would consider in terms of exemptions performance standards that would be required for exemptions. He does not have any objections to R5 R but he does not think it needs a referral, and he appreciates Commissioner Meiner's comment; he will be attending that Committee Meeting to hear public testimony and encouraged the Commissioners to attend as well.

Mayor Gelber stated that he will ask for a vote on R5 Q, then he will take up R5 S, and R5 P he wants to confirm if they can do as well.

Rafael A. Paz, City Attorney, explained that Item R5 P includes other areas for which there is broad consensus, such as the Collins Avenue corridor, 15th to 46th Street, so they can do it.

In answering Mayor Gelber, Deputy City Attorney Nick Kallergis explained that if R5 Q is passed, which is a hard stop in the extended ADCD, then that area will come out of R5 P. R5 Q if it comes back with exemptions, the title may require another Reading.

Discussion continued.

Commissioner Rosen Gonzalez explained that R5 Q needs to be re-noticed with the new title.

Rafael A. Paz, City Attorney, stated that the Commission is approving R5 Q today with an amendment, so it would be noticed properly for Second Reading in April.

Mayor Gelber is concerned as they go through this, is that at the end of the day they will create performance-based standards everywhere, which may not be much different than what they have now, and he thinks the neighborhoods expected something more dramatic, and people are understandably going to be very disappointed that the City Commission did not say it is time for the community to accept the fact that they really cannot be an all-night party town. At the end of the day, they are going to do something that accommodates everybody, which ultimately may be nothing, so he asked for a vote.

Commissioner Samuelian asked for a point of information. R5 Q was meant for the expanded ADCD Ocean Drive, Collins Avenue, Washington Avenue, and he thought it was the right idea without exemptions. However, he also knew that there may be this conversation on performance-based, so he asked the City Attorney to make sure they are focused on the right Item they are about to vote. He appreciates the amendment which has been accepted. He asked if they are better off limiting the number of hearings to vote on R5 R or R5 Q, does it matter at this point?

Rafael A. Paz, City Attorney, explained that it does not matter because they are as amended, R5 Q is no longer a prohibition hard stop 2:00 a.m., R5 Q is now a 2:00 a.m. subject to exemptions to be determined. R5 R is just that, with exemptions that are proposed in that Ordinance.

Mayor Gelber stated that R5 Q is better than R5 R if they want a 2:00 a.m. hard stop because the exemptions have not been adopted.

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Rafael A. Paz, City Attorney, clarified that they are approving with exemptions to be determined on First Reading.

Mayor Gelber stated they will agree on Second Reading on the exemptions as amended.

Commissioner Rosen Gonzalez reframed this and celebrated the actions they took today. They made it fair and not just punishing Ocean Drive and Collins Avenue, they added Washington Avenue into the mix, and now they must produce these exemptions. She thinks it took a long time to get where they are at. However, this is exactly what the voters voted on, a 2:00 a.m. with certain exemptions for certain legacy businesses, so they are working towards that change, and they are going to require any exempted businesses to comply, and any bad operators are going to fall to the wayside. She finds interesting in the process is that they are still open to new 5:00 a.m. licenses as of right now and will be across the City. She does not understand why they are going to do this by continuing to accept 5:00 a.m. licenses if Mayor Gelber wants to see a culture change, she suggested passing a 2:00 a.m. Citywide today so that no new operators come forth, and those people that have licenses, then they need to work with them to figure out who is exempted and who is not, so as not to keep giving new licenses, and that is paradigm-changing legislation that she does not understand.

Discussion held.

Mayor Gelber explained that Commissioner Rosen Gonzalez's Item was turned in yesterday, he approved it and placed it on the Agenda, and her Item will be called. However, she submitted it at 5:00 p.m. yesterday.

Commissioner Rosen Gonzalez wants to change the disparaging narrative concerning what they just did, and it is not the spirit of what they are doing at all. They are trying to conform and do what the voters asked them to, and they are trying to do it with consensus.

Commissioner Meiner commented on criteria and performance standards, those take a lot of resources from Police, Code, and as they have seen firsthand, whether it be the Courts or own City's Special Magistrate system, violations are extremely hard to enforce, so he does not mind to some degree. However, ultimately, they are extremely hard to enforce. He asked the staff if the ultimate will of this Commission is to have a hard stop at 41st Street and keep that at 2:00 a.m., what is the deal with The Forge? As he understands, they were the only entity that had a BTR for 5:00 a.m. He asked for an explanation.

Thomas Mooney, Planning Director, stated that Commissioner Meiner is correct in that The Forge was the only entity with a 5:00 a.m. license. The Forge has been closed for some time, for more than 183 days. Under the Code when they abandon a nonconforming use for more than 183 days, they lose that nonconforming status. One of the things they have not presented with, in fairness to whoever the new operators of The Forge are, is if they have compelling evidence that substantiates that they have not abandoned it for more than 183 days, and there are specific criteria in the Code that they can address, such as pulling building permits, maintaining a BTR, that will allow them to retain that nonconformity and substantiate that they have not abandoned that; however, to date, they have not been presented with that, so he cannot tell whether or not it has been formally abandoned for more than 183 days, or whether or not there is evidence that they have met that criteria for abandoning it for a less time.

Discussion continued.

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Commissioner Rosen Gonzalez asked Commissioner Meiner if he is against The Forge having a license or would that be a legacy business with an exemption.

Commissioner Meiner has had a lot of residents reach out to him about that specific issue, and he just wanted to know where they are at and what the rules are, he wants to know what they are voting for. The legitimate concern raised is that if many parts of the City are shutdown at 2:00 a.m. and there is an entity on 41st Street which is surrounded by residential, if they are a 5:00 a.m. institution it could cause some problems, so that is the concern, and they will visit that. Sunset Harbour currently has a ban on outdoor seating after midnight, and the 2:00 a.m. does not impact that Ordinance. He asked about 2:00 a.m. private clubs and where do they fit in.

Nick Kallergis, Deputy City Attorney, explained that any private club that has an alcoholic beverage establishment would be treated like any other alcoholic beverage establishment in their respective area. In answering Commissioner Meiner, he stated that the same rules would apply to private clubs.

Commissioner Fernandez suggested when the Item on The Forge comes back from the Planning Board, he will be happy to work with Commissioner Meiner because The Forge is one of those establishments that has helped build the character of Miami Beach and the brand of their City, and it is something they certainly have to discuss when they debate 41st Street and how to handle The Forge. He highlighted why the performance standards are so important. He wants to move forward today especially with R5 Q without hurting Twist, and if they do something, he sees that eventually, based on the data collected it applies to three establishments in Washington Avenue and reduces what goes on there down to three establishments when they use Twist as a threshold, and performance standards can help them better ensure that those other remaining establishments are the ones that do not deteriorate from the quality of life of the people living around the area. He thinks they made progress and thanked Mayor Gelber for leading the discussion.

Mayor Gelber stated that R5 Q has been moved and seconded as amended with no exemptions. He explained that he will call Item R5 S, then they will go to the lawyers and try to discuss again R5 P to see what they do there since it handles some of the areas out there; they could open and continue that until the next meeting. However, he asked his colleagues to think about that while they debate R5 S.

Commissioner Samuelian stated that R5 S is no exemption version.

Mayor Gelber asked for a vote on R5 Q.

11:48:10 a.m.

R5 Q MOTION AS AMENDED:

Motion made by Commissioner Samuelian, seconded by Mayor Gelber to adopt the Ordinance on First Reading as amended, with the 2:00 a.m. alcohol hour sales in the Art Deco Cultural District with no exemptions, except for exemptions to be presented at a later date, and a referral to the March 23, 2022, Neighborhood and Quality of Life Committee. Roll Call: 6-1; Opposed: Commissioner Arriola. Second Reading Public Hearing is scheduled for April 6, 2022. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda. **Mark Taxis to place on the Committee Agenda.**

Commissioner Arriola explained the reasons he is against the Ordinance as this is a hollow vote. It is no exemptions, and they are going to have exemptions, they will have to retitle it and re-notice it, so for those reasons he is a no.

Discussion held.

11:48:30 a.m.

R5 S

Commissioner Samuelian introduced the Item and explained that he is passionate about protecting the integrity of their residential neighborhoods. That was something he took away from their Workshop that several of his colleagues specifically felt that way. This is saying that West Avenue, Alton Road, Flamingo Park, and some of those areas abut residential areas, and his policy objective is Fifth Street to Dade Boulevard, the east side of Alton Road to the bay, there would be 2:00 a.m. without exemptions; some of this had to be done through the Land Development Regulations (Land Development Regulation's), and that is being done today. However, few establishments were not captured with the Land Development Regulations, and this addresses those remaining establishments and would go forward to protect the integrity of their residential neighborhood from the east side of Alton Road to the bay. He asked the Office of the City Attorney to confirm the accuracy of his statement.

Nick Kallergis, Deputy City Attorney, stated that his Item R9 F, a referral to the Planning Board, would repeal the exemptions highlighted in yellow on the map they distributed. This Item would expand the 2:00 a.m. rollback so that it is the entire Alton Road and West Avenue corridor from 5th Street to Collins Canal.

Moved and seconded.

Discussion held.

Vice-Mayor Richardson is unclear about how this relates to the referral. They have a referral going to the Planning Board, so does this include the area that is going to the Planning Board, or overlays it, is it included or not. Nick Kallergis, Deputy City Attorney, stated that it is included. Vice-Mayor Richardson cannot support it today until he hears back from the Planning Board. They do need to make changes in this corridor. However, he would welcome, and they are getting feedback from the Planning Board; part of the change will take five votes, and part of it four, so he is going to be a "no" today and asked if the sponsor would consider deferring the Item until they get advice from the Planning Board.

Commissioner Arriola opposes the Item for the same reasons.

Mayor Gelber stated that if they vote for this, they are making a statement that in this area is going to be 2:00 a.m., they have sent to the Planning Board for their thoughts on the exemptions, and they can consider those ideas or not on Second Reading. He is supportive of this as people want them to act and they need to change the dynamic of this area.

Commissioner Rosen Gonzalez had a group of people come to her office and they just invested a significant amount of money, so does this mean they would not have opportunities for exemptions until Second Reading and asked her colleagues how they felt.

Commissioner Fernandez was clear from the beginning on how he felt about areas in the proximity of high residential density, South of Fifth, Alton Road, West Avenue, 41st Street, they should be as protective of those areas as possible, so he is inclined to support the Item.

Moved by Commissioner Samuelian, seconded by Mayor Gelber. Roll Call: 5-2; Opposed: Vice-Mayor Richardson and Commissioner Arriola. Second Reading Public Hearing scheduled for April 6, 2021.

11:54:51 p.m.

Mayor Gelber called R5 P and asked for an explanation on what R5 P would include now and asked for a Legal recommendation.

Deputy City Attorney Nick Kallergis recommended, based on the last vote, to remove from Supplemental I Page 80 Lower Alton Road (6), and the ADCD (5), based on their vote on R5 Q, he recommended removing that as well as Washington Avenue (2).

Thomas Mooney, Planning Director, stated that R5 P has now four different potential geographic areas. Three of the areas they already discussed; there was a third geographic area regarding properties fronting Lincoln Road from Washington Avenue to Collins Avenue (7) included for discussion purposes, and so they will have to decide whether or not to leave it in. He also mentioned that R5 P is a rollback Citywide to 2:00 a.m. except for these exemption areas, and it also includes all the performance and application criteria. In answering Mayor Gelber he stated that any areas of the City that are not listed as a geographic exemption would be 2:00 a.m., and in this Ordinance, they did not list South of Fifth as a geographic exemption.

Mayor Gelber clarified that if they vote for this, they will have a 2:00 a.m. and the only way it is not a hard 2:00 a.m. is if they adopt any of the exemptions for areas. He believes east Collins Avenue north of 15th Street should be an exemption, and he suggested amending to include it in. He suggested that they at least formally adopt each exemption or not.

Thomas Mooney, Planning Director, clarified that there is already an exemption for oceanfront hotels with a minimum of 200 units.

Commissioner Samuelian moved Item R5 S; seconded by Mayor Gelber.

Vice-Mayor Richardson requested that staff read the areas that are excluded under Page 80 of Supplemental 1.

E.(i)(a) Eligible alcoholic beverage establishments

Thomas Mooney, Planning Director, suggested starting to read from Page 79, E (i)(a) Eligible alcoholic beverage establishments (1) Oceanfront hotels with a minimum of 200 rooms.

Mayor Gelber realizes that some of his colleagues will vote against it, even as amended. However, everyone will vote on these exemptions. Assuming each one needs four votes he suggested going down each one.

Vice-Mayor Richardson added that he had offered a change to say waterfront hotels with a minimum of 150 rooms and asked if they would consider that. For example, The Mondrian is on the bay, and he does not understand why they would be treated differently from the oceanfront. However, it may be because of whatever gets passed on the west Alton Road, so they could be taken out of the mix as part of that. He did not know where the 200 number came from and he does worry about it. He had also included a requirement that they have a pick-up and drop-off on their private property to be eligible.

Planning Director Mooney explained that the 200-units threshold they produced is intended to be flexible, and 200 units is generally a number associated with much larger hotels that have their drop-off and pick-up on their property and which can better self-contain 5:00 a.m. accessory uses within the confines of the building, so they do not have access directly from the sidewalk. To the extent that they want to increase that threshold to maybe 300 or 400 rooms, then they would be reducing the pool of

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eligible hotels, so they thought that 200 was a good base mark. If they believe it should be a lower number, they can do that. It is also important to point out that under geographic areas (b) they have another exemption for those properties east of Collins Avenue from 15th Street to 46 Street, which is the majority of hotels, and so anybody with less than 200 units would be covered under that exemption within that geographic exemption. This would apply to those hotels north of 46th Street.

Mayor Gelber added that they can pass this, and they can make changes between First and Second Reading. He intends to support some version of this today because it is important that they do that and will adhere to any argument about why they should change things.

Discussion held.

Commissioner Rosen Gonzalez asked for clarification.

Mayor Gelber asked for the rationale that oceanfront hotels have a minimum of 200 units, and then all oceanfront hotels north of 15th Street, why not just north of 15th with a certain number of rooms.

Planning Director Mooney explained that it can be done and that is why they wanted to present different options. If they believe it would be better to go with a geographic boundary of hotels located between 15th Street and 46 Street that can also be done.

Mayor Gelber thinks they ought to be big enough to have security, so his position would be the geographic with the overlay of the size. He asked for consensus and there was unanimity. In answering Commissioner Rosen Gonzalez, he explained that he is suggesting having in all oceanfront hotels a minimum of 200 rooms, and another one that simply says east of Collins Avenue, all hotels South of 15th Street. He is combining the South of Fifth Street with the minimum room requirement, so not all hotels south of 15th Street will have an overlay license, only those of a certain size, and he suggested 200 rooms. However, that can be changed between Readings and there was a consensus.

Planning Director Mooney clarified that they are going to delete (a) (1) and remove oceanfront hotels with a minimum of 200 units and amend (b)(1) to say: East Collins - Those hotels with a minimum of 200 rooms east of Collins Avenue south of 46th Street and north of 15th Street.

Discussion continued.

Mayor Gelber added that the entertainment establishments are 2) on Page 79 and require some level of soundproof windows consistent with other requirements for the areas to be considered, and subsection 2) applies to whatever they are about to agree to as an exemption in a geographic area.

Commissioner Rosen Gonzalez notified that she must leave as she has a faculty meeting.

Recess called at 12:07:53 p.m.

Mayor Gelber reconvened the Commission Meeting at 1:11:21 p.m. He explained that they took care of two areas by passage on First Reading of Commissioner Samuelian's Items although they have work to be done there, and now they are looking at the rest of the City, which excludes those areas.

R5 P

East Collins Avenue

Mayor Gelber clarified that they are going to consider each geographic area to see whether it will have any exemptions and if it does have exemptions, these are set out very carefully in terms of what it requires, in terms of security, private security, and all the requirements needed, staff training, compliance, renewals, and he appreciates staff's work from the Office of the City Attorney, Code, and Planning for putting together what he thinks is a pretty good exemption if they do have any. They will go through the various geographic regions to see if they want exemptions or not.

Planning Director Mooney explained that oceanfront hotels will be combined with the east of Collins Avenue geographic area and would be those hotels with a minimum of 200 rooms located east of Collins Avenue and south of 46th Street and north of 15th Street (Option 4).

Discussion held.

Vice-Mayor Richardson thought they combined oceanfront hotels, which was a(1) with b(1). However, it sounds like they have further limited b)1 because that would be broader than hotels. It is now limited to those hotels and so it is narrower.

Collins Park

Mayor Gelber agreed that it is narrower; it is now properties of 200 rooms or more north of 15th Street.

There is time to add changes between First and Second Reading but that is the template if it passes. He asked if there was consensus on Collins Park. Right now, if they do nothing it will have a hard 2:00 a.m. stop, and the option reads: Those properties located within the area bounded by 19th Street on the south, Liberty Avenue on the west, Collins Avenue on the east, and 21st Street on the north. He knows that Commissioner Rosen Gonzalez had an issue with that. However, first, he asked if there is an appetite for an exemption in this area which is actually on the maps and that is (3) 21st Street on the south side of Collins Park to 19th Street and over to Collins Avenue from Liberty Avenue. It does not include 22nd Street which has some clubs, so he would move that

- (b) Geographic areas.
- OPTION 4**
- (1) East Collins. Those properties located east of Collins Avenue, south of 46th Street and north of 15th Street.
 - (2) Lower Washington Avenue. Those properties fronting Washington Avenue, between 5th Street and Lincoln Road.
 - (3) Collins Park. Those properties located within the area bounded by 19th Street on the south, Liberty Avenue on the west, Collins Avenue on the east and 21st Street on the north.
 - (4) Normandy Drive. Those properties fronting the south side of Normandy Drive or the north side of 71st Street, between Rue Notre Dame on the west and Rue Vendome on the east.
- OPTION 3 WOULD ADDITIONALLY INCLUDE THESE AREAS, WHICH ARE PROVIDED FOR DISCUSSION PURPOSES ONLY**
- (5) Art Deco Cultural District. Those properties bounded by 5th Street on the south, Collins Court on the west, Ocean Drive on the east and 16th Street on the north.
 - (6) Lower Alton Road. Those properties, fronting Alton Road from 8th Street to Collins Canal.
 - (7) Lincoln Road. Those properties fronting Lincoln Road from Washington Avenue to Collins Avenue.

exemption and asked for a motion.

Vice-Mayor Richardson moved the exemption as written, seconded by Mayor Gelber.

Commissioner Arriola stated that he and Commissioner Rosen Gonzalez are like-minded on this issue and suggesting extending it to at least the north side of 23rd if not up to 24th, for two reasons; one is that Collins Park has advocated, among other things, for having live entertainment, because where are they going to allow for live entertainment since the language in the City Code is way too restrictive, he finds it to be a violation of the First Amendment. However, this particular neighborhood as it is coming up has clamored for exemptions of live entertainment, they want it, they have a robust nightlife, they do not have problems in the area, properties are well run, so this would be a neighborhood where he thinks they should have the exemptions, and he suggested including the nightclubs that are already there, so

that means taking the 24th or extend the definition to the north side of 23rd, then he would advocate for that.

Commissioner Meiner is supportive.

Commissioner Rosen Gonzalez explained that they have two world-renown clubs, Mynt and Mokai, that never cause any problems to anyone, and she does not think is a problem area. However, it is a destination for bachelor and bachelorette groups. She gave pictures to Communications and asked them to bring up the slides to share with the City Commission. The images show bachelorette groups dining and having fun, planning to go out afterward to Mynt and Mokai, and this is a daily occurrence. These people are coming in from across the United States and they are eating at their restaurants and going out afterward. The reason she wanted to show the pictures is that she did not even realize to what extent people come here and like to have a drink or family reunion at night, it is wonderful because they have a great economy, so they have to be careful of what they do because those are the clubs in that corridor that service people who are not causing any trouble or harm, and at the same time there is this economy that is not causing a public safety issue, and that is what she wanted to explain. They host these wonderful events and that is why she would advocate expanding through 24th Street.

Commissioner Arriola thanked his colleague for the picture because he often thinks of the folks that come here. He has friends from all over that come here for the same reasons to celebrate. However, next weekend with the Boat Show folks are coming here, thousands of people come to the City, they get out by the time they breakdown their areas they get back to the hotels late after work, shower, get together with colleagues, eat late dinner and by midnight they are ready to have a good time, and they want that, the City spent \$700 million on the Convention Center and part of the reason they come here is because of the nightlife and everything they have to offer, and they are going to limit everything to 2:00 a.m., so at the end of the day once they rush to get a bite to eat last call is at 2:00? That is just not the Miami Beach brand; they are trying to stomp out bad behavior but they are taking a hammer instead of a scapple to a problem, and he thinks they are going to make a great mistake if they just had this easy headline ready *2:00 a.m. party is over*. The people causing trouble are not even out until 5:00 a.m. and do not even go to nightclubs; they party in the streets. During COVID-19 with a curfew and bars completely closed, that is when they had the worse behavior, so he does not know if that is there is any causation between last call and the behavior they are trying to rule out. However, he thinks it would be a great mistake to take too heavy a hand to this problem. The Boat Show people when they are done with work by the time they shower and have dinner it will be last call.

Commissioner Rosen Gonzalez suggested being measured when looking at the exemptions and who the operators are that are causing a lot of public safety issues and remember that these pictures were taken a couple of weeks ago and is not even holiday time. However, they choose Miami Beach, and there are unintended consequences. She asked that group of girls and they planned to go out and have a good time and cause any trouble.

Discussion held.

Mayor Gelber added that he is only going to support the one written. When he first became Mayor, he remembers one of the clubs brought in a horse inside, so these are not perfect places, and they closed them down for two months because of this incredibly gross violation of both decency to animals and how to run a club. However, that said, here is the issue; he would support this small area because he thinks it allows for a neighborhood bar. He thinks the area they want to expand, although it has two clubs, the problem is that during the day there is no activity going on, and they had built up this area with a different vision. Right now, this entire new office space is on the other side of this area, and when

those folks come for lunch, nothing is going on because it is just a nightclub, it is not even a restaurant. He does not know if the people of Collins Park want clubs, he thinks they like that neighborhood bar on the side. However, he does not think they would like to have all these clubs here. They also have to consider that they either do something or not, and ultimately, whatever they do in the entertainment district, if they do limit it in ways that he hopes they do, everyone is going to go if there are three clubs here, and there are three clubs right now, so this is going to be the club district, and he does not know why they would want that or how it helps the City's profile when there are a lot of places for people to go, they just made an exemption for all the areas they think do not impair residents, such as the big hotels. He would be surprised if Collins Park residents would want three clubs there, he has not received one call. However, it has been the opposite. He has heard them say that they like the neighborhood bar. However, they do not want the club, and if they want this area to be reimaged as a true cultural campus, and have 23rd Street as an inactivated area until 10:00 p.m. He would support the current exemption as laid out but will not support a broader one.

Commissioner Samuelian is not a fan of exemptions and senses from his colleagues that there is a desire to do something so consistent with his view he is lining up with Mayor Gelber here, is the smaller geography for him is the better, in this case, he thinks they had tremendously office development in that area and people are clamoring to come to Miami Beach, which creates jobs, diversifies their economy, and is active during the day; the last thing he would like to see is that they are pushing the problem from one zone to another zone. He is not the exemption guy but if it is a forced-choice he would go with the smaller.

Commissioner Meiner agrees. If an establishment is sold the rule still applies and they can still stay open, even with the exemptions that they are creating.

Rafael A. Paz, City Attorney, stated under this version of the Ordinance the answer is Yes.

Commissioner Fernandez supports what is laid out in the map, this is buffered from the more residential areas of this part of the City. At 24th Street on the east side that is where they start getting denser residential, that is where the Riviera Condominium is at, and there is the corridor that continues, so he is supporting it as it is presented here on the map.

Commissioner Rosen Gonzalez thinks that when they take a tiny carve out like this, that is what opens them up to litigation. When they say 2:00 a.m. with exemptions for an entire area. However, now certain areas will not get the exemption, it just does not seem very fair. She is sure they will sue, and she does not know if it is considered a property right. Why is the City being unfair and not allowing them to apply for an exemption? She knows that she does not have support for that.

Commissioner Fernandez stated that this area has been an area of concern for public safety and also knows from firsthand feedback from people that live in the area that tell him that late at night they are hearing the cars, the drag races, the noise, and so is this going to solve that, could it help towards stopping it? Perhaps. And at the end of 24th Street, there is a buffer through Collins Park before they have the new collection of buildings from 22nd to 24th and the residential area, so he likes it that there is a buffer there.

Vice-Mayor Richardson moved the Item and the reason he is more aligned with Commissioner Arriola on this. However, in this case, if they are going to have something in the area, he agrees that the park is a buffer, and as indicated, they are trying to reimagine that area and they hope there will be a new black box theatre, and next door they will have a new residential building including workforce housing, so for that reason, if they are going to do this, he would keep it in this area.

Normandy Drive

Mayor Gelber stated that he is not going to vote since everyone will recognize the votes, so keep 3) as is and asked to discuss Normandy Drive.

Thomas Mooney, Planning Director, explained that the reason they came up with these boundaries is that this was an area of North Beach that was well thought out from existing residential uses, and the reason they suggest limiting this to the north side of 71st Street and the south side of Normandy Drive was that the area is an island in it of itself across the street from both of those are the same CD-2 districts, so this would allow that adequate isolation. They felt that because it was largely a Commercial District, it would make sense to have an exemption within this area.

Discussion held.

Vice-Mayor Richardson redrafted this because he agrees with the north side on Normandy Drive between Rue Notre Dame and Bay Drive, which is a commercial strip; on the south side up to Rue Notre Dame there are single-family homes across the street and he does not like that being in that area, so he would push that one block to the east to Vicchy Drive, which is closer to the Normandy Fountain. However, what is missing in this is that it is including the north side of 71st Street, which is where the fountain is. However, it does not include the commercial spaces across the street where there are establishments such as Bob's, so he would ask that they include language in his handout, which he can read into the record. However, it extends across the street where those commercial buildings are across the south side of the fountain.

In answering Mayor Gelber, Thomas Mooney, Planning Director, explained that they can do 5:00 a.m., but as part of these geographic boundaries in addition to performance standards proposed, they have also proposed a minimum distance separation requirement of 500 feet between 5:00 a.m. or extended hours establishments in all these areas, so they do not believe that they are going to see a proliferation down the road, even though some new establishments may come onboard. However, with the distance, separation will ensure that there is no oversaturation.

Mayor Gelber added that this does not have a capacity limit at all, so they could do that on some of these the same way they added a capacity requirement for hotels. From their point of view, at least his, he does not want to increase the number of 5:00 a.m. clubs in the area, he does not want to just move them to other areas, he is certain that will not happen with the 500-foot rule but thinks there is a neighborhood bar that has a capacity that is not intrusive and easier to control, and in listening to Vice-Mayor Richardson with an open mind he does not think he is looking to create more clubs. However, a neighborhood place.

Vice-Mayor Richardson stated this is an area where the community voted strongly for a 5:00 a.m., this is one of the pockets of the City where the precincts voted for 5:00 a.m. He would adopt his language in Item 4) which includes the south side of the street and then he would say no clubs in this area with a capacity limit of no more than 100. He had a sense that when it was drafted. However, he does not think anyone looked at where the Commercial District was, and it seemed to him that a block or two got missed.

Mayor Gelber assumes the Item is amended, and he needs four votes.

Thomas Mooney, Planning Director, clarified that the revised boundaries would be as drafted by Vice-Mayor Richardson in his version, there would be a no entertainment provision, and the occupancy limit

will be 100 persons, with no entertainment, no dancehall, no DJ. It is exceedingly difficult to distinguish between a bar with entertainment and a nightclub. The capacity limit would go a long way because it is unlikely that a big nightclub would want to go into a space where they can only have 100 people.

Mayor Gelber is willing to support that on First Reading. However, they do not have four votes.

Vice-Mayor Richardson explained that the language on Page 80, Item 4) does not include the south side of 71st Street where the commercial strip is, so that would include Bob and those restaurants there and that is why he thinks it needs to be amended.

Commissioner Arriola added that they are trying to invigorate that area and he is in support.

Mayor Gelber will hear more between First and Second Reading, and they have four votes, so it is included. They are not doing ADCD 5).

Rafael A. Paz, City Attorney, clarified that the Normandy Drive would just be the geographic amendment but not adding capacity.

Vice-Mayor Richardson stated that they were adding capacity; they are not adding a restriction on entertainment but a capacity limit of 100.

Lincoln Road

Commissioner Arriola asked Administration to introduce the Item.

Planning Director Thomas Mooney explained that the reason this area was put in is that this is an area of Lincoln Road that has been bought largely by businesses and hotels. Once they get west of Washington Avenue, they are in closer proximity to residential areas. This area between Washington Avenue and Collins Avenue was more business-oriented, so in terms of looking at expanded geographic boundaries for discussion purposes, this is one of the areas they identified.

Commissioner Arriola added that they have had nightclubs in the past that have contributed to the nightlife and ecosystem, he does not think there are good ones now. However, in the past, it has been successful. The point he is trying to get support is for fewer but better clubs. Nightclubs are not inherently bad and can contribute a lot to the City as an amenity and enjoyment for tourists and residents; bad nightclubs are the problem. This area can support nightclubs, they have been done successfully, they just need good operators there.

In answering Vice-Mayor Richardson, Planning Director Mooney explained that the reason this is more narrow as opposed to all Lincoln Road is due to the proximity to residential. West of Washington Avenue it becomes much closer to a residential area in proximity, and since this area is in closer proximity to a large hotel district and it is buffered by office commercial uses, taking into consideration the 500 ft distance separation requirement, they did not believe that they are going to see an oversaturation in the area due to the distance separation.

Commissioner Arriola suggested extending it further west. He has little concern on the north side because there are fewer residential so they have a big buffer with parks and garages. He would be comfortable with the north side. He understands an application was made to the Planning Board recently, which Commissioner Rosen Gonzalez brought it up, the ownership group of Mila, which has been a very successful restaurant for the City, they are looking to expand and got preliminary approval

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from the Planning Board until 4:00 a.m., so he suggested including them as they are a responsible group, and if they are going to do something to provide for them the 4:00 a.m. exemption.

Discussion held.

Mayor Gelber stated that this would apply to South of Fifth in the sense that is not an excepted area, so when they pass this hard 2:00 a.m. in South of Fifth unless they make an exemption pending an advisory recommendation from the Planning Board on the referrals; that will remain uncooked and suggested discussing at meeting at a later time.

Commissioner Rosen Gonzalez asked if this includes the 300 Block.

Thomas Mooney, Planning Director, answered that it includes the 200 and 300 Blocks between Washington Avenue and Collins Avenue and added that Mila is the 800 Block, and Mila did receive full CUP approval. They recently got approval from the Planning Board to update their CUP to allow a portion of their indoor facility to go to 4:00 a.m. and that is Meridian Avenue on the south side of Lincoln Road.

Deputy City Attorney Nick Kallergis clarified that the Planning Board included a condition that they would have to comply with whatever the City Commission does.

Mayor Gelber wants everyone to understand that this is Citywide, and they have already taken care of Commissioner Samuelian's two areas Citywide, adding exemptions to the Citywide which they have done in a few areas and hotels.

Commissioner Rosen Gonzalez requested adding the Sand Bar and Norman's which qualify as neighborhood bars that do not cause problems, and if they are including that commercial section on Normandy Drive, they should also include the commercial section along Collins Avenue as they are neighborhood bars.

Vice-Mayor Richardson had proposed an amendment on that, it is Item (7) to add to that area another zone between 65th and 75th Streets because it is a commercial zone. Regarding Lincoln Road, he understands the situation and the noise concern. However, the noise would be pushed from the south side to the north side of the street, and from the north to another direction, so he is not fully understanding the concern with the residential.

Planning Director Mooney explained that the way they looked at it was holistically a 5:00 a.m. establishment, and it is not just the noise that potentially emanates from an establishment, it is the number of people, how they are getting dropped off and picked up, all that combined close to residential areas, which is why with Lincoln Road they only recommended the 200-300 Block, as it is not in closer proximity to residential.

Mayor Gelber explained that regarding this Item, they are going to have a Commission Meeting for further discussion and fine-tuning the exemptions both in the entertainment district and other areas, South of Fifth possibly, and this area. He thinks this area of Lincoln Road especially must be harmonious with those. He is not going to support any exemptions today because he does not think it makes any sense until they know what is going to happen with Washington Avenue, as there have been different models; he would like to know what the exemptions are before he decides on a location. He clarified that he is not supporting it today at all and he would not want to create an exemption not knowing what is going to be two inches south. That will be decided on Second Reading. He feels it

ought to be the same all through Washington Avenue unless they decide that they do not want it in that area.

Vice-Mayor Richardson stated that if that is the case, the previous Item was between 5th and 15th Streets, so if that is the concern, why not adjust that to say from 5th to 17th Street or Lincoln Road, that way that street could be considered.

Mayor Gelber would oppose that and he rather first see what they do and use that knowledge to decide at the next Meeting. He is not opposed to what he is saying, it is just not time to consider it. However, he may have the votes there.

Commissioner Samuelian agrees with Mayor Gelber and is in support.

Commissioner Rosen Gonzalez thinks Mila is the type of business they want to attract in the City; they just spent a ton of money getting their CUP and asked if they could do random exemption for them. They deserve it; she does not think they ever had a problem, their clientele is visiting here with large capital, and this is the type of place they visit, and after dinner at midnight, they like to have a drink afterward. This is an indoor fully enclosed Lounge and they are not disturbing anyone.

Mayor Gelber clarified that this is Lincoln Road and Washington Avenue and does not affect Mila. There is no Lincoln Road exemption other than the one on Washington Avenue.

Commissioner Fernandez sees this area of Lincoln Road between Washington Avenue and Collins Avenue as an area that needs help and where they need to drive people to come, invest, and clean that area up, that is why he is open to Option 7. However, he agrees with Commissioner Rosen Gonzalez that Mila reflects the good type of establishment that they want to be attracting to Miami Beach and the market that they want to continue bringing to the City. If they can somehow include that Lincoln Road and Meridian Avenue as part of 7) to him it makes sense. He recalled when this Item came to the Planning Board, that portion of the building that goes until 4:00 a.m. is completely enclosed in concrete on the upper floor, so he tends to be supportive of that. It is on a pedestrian walkway and they used to have nightclubs on Lincoln Road for many years, so he is open.

Commissioner Rosen Gonzalez requested including both exemptions and she thinks they have support.

Mayor Gelber is not going to support any exemptions on Lincoln Road at this point, they have not done a Lincoln Road review, and they may not even want clubs. Mila is a great restaurant and what they can do is put an exemption that says **restaurants that have a certain amount of food versus liquor**, which a true restaurant will have, is exempted. He would be more open to discussing that on Second Reading rather than opening up Lincoln Road to late nightclubs elsewhere, because that is a big step, and he has not heard from the BID and actions may have unintended consequences.

Vice-Mayor Richardson suggested bifurcating the two areas, because after Tom explained he understands that is not just noise but is also traffic and the entrance to Mila. He suggested that part of Lincoln Road be more closely in line with the residential, they limit it to no clubs. However, restaurants or capacity of 100 or 150 patrons can be included. He thinks there is a place on Lincoln Road for that type of night establishment, not necessarily a full club that is close to a residential area. He asked the Body to consider leaving 7) as is and adding 8) to say Lincoln Road between Washington Avenue and Alton Road, with a capacity of 100 or 200, allowing clubs and restaurants that serve food.

Commissioner Arriola is in support but stated that he does not like the way this is going, and he thinks they are going to have a hard time getting 5/7 votes when needed; they are playing too heavy a hand to a problem that is a finite problem that needs to be addressed, with bad operators that they need to fix. If going back in history as a City, they have had super successful nightclubs and it can be done right. They do not solve problems by closing at 2:00 a.m. which is an arbitrary decision; they just try to have rules, attract good businesses, and push out the bad. They have a litany of bars and restaurants that they all have enjoyed over the years, and they would be closed from their actions taken today. Ask why people move here instead of Fort Lauderdale, Naples, Boca, or other places; he contends that part of it is this ecosystem here, which includes nightlife entertainment, which is unique to the City and separates them from other sleepy beach towns. They are making a bad policy mistake by being so heavy-handed and he regrets trying to compromise this morning because some of them are getting carried away with this. No live entertainment is allowed other than in Collins Park.

Commissioner Rosen Gonzalez made a motion to include the Mila section and believes she has the support to do so and asked for a second.

Rafael A. Paz, City Attorney, stated the idea was for more of a Lincoln Corridor of a wider geographic area with a capacity restriction for indoor restaurants which would be extremely limited because most of the restaurants have outdoor seating on Lincoln Road.

Commissioner Rosen Gonzalez moved to include those restaurants if they have more food than they sell alcohol should be included on this.

Mayor Gelber stated that Commissioner Arriola is overstating his objections. Mayor Gelber does not object to a lot of what he is saying. However, details matter. A couple of Commissioners suggested including Mila, and it may be easily included if indeed it is a restaurant, he does not think Lincoln Road should have a lot of clubs because the ground activation of the clubs are inconsistent with a pedestrian mall that they hope to attract people to during the day; he does not mind nice restaurants and would love to have more of them, or hotels, to create more foot traffic and business will do better. The only concern he has now is that they are saying include this without the actual mechanism by which they could do it; if they can figure that out, they will end up with a consistency that they may want, rather than opening it up to 5:00 a.m. He still does not think they should do anything on Lincoln Road or Washington Avenue until they know what they are going to do on Washington Avenue. However, on Lincoln Road, are there suggestions on how they would do it?

Mr. Mooney clarified that the Lincoln Road area is 5:00 a.m. and it does not permit nightclubs on the first level; however, restaurants can have entertainment.

Nick Kallergis, Deputy City Attorney, recommended expanding the boundaries to include the Lincoln Road corridor west from Washington Avenue.

Mr. Mooney stated that if they are going to do a restaurant-only geographic boundary it would be from Washington Avenue to Lenox Avenue.

Commissioner Rosen made a motion made to include Lincoln Road from Washington Avenue to Lenox Avenue incorporating restaurants.

Discussion continued.

Commissioner Fernandez has hesitation getting so close to Alton Road, if they want to keep it on the eastern side of Lincoln Road and include that Meridian Avenue Block up to Jefferson Avenue, he is more inclined to support that. As they get closer to the western part of Lincoln Road, they are talking about a character that is closer and more densely residential area of the City, so he suggested keeping it to the east side.

Commissioner Rosen amended her motion to include through Jefferson Avenue north and south of Lincoln Road. She wants to make sure Option 7 is included.

Discussion held.

Thomas Mooney, Planning Director, suggested including as drafted going to Collins Avenue to Jefferson Avenue, instead of Collins Avenue to Washington Avenue. In answering Vice-Mayor Richardson, he explained that this does not supersede any limits consistent within the zoning district in terms of either entertainment establishments or just restaurants. Per zoning, they are not allowed to have a standalone nightclub, they can have a restaurant that has dancing entertainment. However, it must be a licensed restaurant with dancing entertainment. However, they could not set up regardless of this on the first or second floor. Mila is a restaurant with entertainment.

Rafael A. Paz, City Attorney, asked the City Commission if they want the Office of the City Attorney to come back with proposed terms for capacity or occupancy restriction for this area.

Mayor Gelber added that four Commissioners want to see this, so it will be there; that said, they may look at what it is on Second Reading and modify it or reconsider. However, it is important to move the ball forward, and so they must take action to see what it is.

Vice-Mayor Richardson added that it is the reason he asked to bifurcate the Items because they were talking about the capacity limit on the area west of Washington Avenue. However, not a capacity limit in this area is described in his 7 drafts because there have been larger clubs there in the past that have been successful, and it is not a residential area. He suggested separating the Items as they are different. Commissioner Rosen Gonzalez is in support of that. He requested leaving (7) the way it is and adding 8) from Washington Avenue to Jefferson Avenue.

Rafael A. Paz, City Attorney, summarized that (8) will include properties fronting Lincoln Road from Washington Avenue to Jefferson Avenue, subject to capacity restriction.

Collins Avenue – 65th and 75th Streets

Commissioner Rosen Gonzalez asked to go back to the Collins Avenue area between 65th and 75th and incorporate Vice-Mayor Richardson's suggestion.

Vice-Mayor Richardson stated that on his draft of possible amendments he had included Collins Avenue north which is properties fronting Collins Avenue between 65th and 75th and that is because it is a very commercial area up to the Library, and beyond that, he would not support it because it is a residential area. If doing this, they should consider that commercial area. He would not want to see a club there due to traffic but suggested they do a neighborhood bar with an occupancy limit in that area.

Mayor Gelber thinks details matter to him but he probably will not support something today, on the other hand, he is not unsupportive of a neighborhood bar with exemptions or occupancy limits. That area is going through a lot of development and is hugely residential as well, and they are trying to create a cultural campus, so he would be someone concerned, he is just not ready today to support.

However, they can bring these on Second Reading when they have heard from more people. He asked if there was consensus on the last area to include.

Vice-Mayor Richardson is not advocating for large clubs, since the community would support that. However, he would say a capacity of 100 persons.

Discussion continued.

Commissioner Arriola is supportive of Vice-Mayor Richardson's idea. They start talking about this vision that he is fully supportive of, being a cultural City, helping cultural campuses. However, having a rich and diverse nightlife is part of that cultural experience; people go to see shows and plays, they then want to do other things afterward; otherwise, this will become a sleepy dinner club town that shuts down at 8:00 p.m. like Vero Beach, and that is not what residents wanted when they voted for this. Residents want safety, clamp down on the wildness, and they told them that they thought a 2:00 a.m. would be the City those tools. He thinks they are going beyond that, and are changing Miami Beach way too dramatically, and they must be careful. If they have the vision to be a cultural destination, which he supports, they have to have some kind of late-night entertainment as part of the experience, otherwise, they will not distinguish themselves from the rest of the sleepy towns across the coast.

Commissioner Samuelian respects his colleague's view. However, he just has a different one. Residents are listening to what they are talking about with the 2:00 a.m. vote, and that they would like the Commission to pursue that without trying to pick winners or losing; residents thought they voted for 2:00 a.m., so why are they now giving all these exemptions.

Commissioner Arriola answered that the explicit language of the ballot included "exemptions."

Discussion held.

Commissioner Fernandez hears from people that are telling them they are doing too much; others are telling them that they are killing the economy and they are moving out of Miami Beach because they are changing the City they moved to, and they are in the middle trying to figure all that out. He is supportive of Vice-Mayor Richardson's 7 Items as they are focusing a lot on North Beach. He does not think with all the effort they are putting into improving North Beach anyone would want to see Normans or Sandbar cease to exist, so he is supportive.

Commissioner Rosen Gonzalez asked if the owners of The Forge had been notified, and can she try to get an exemption for that one? It is an iconic restaurant, a legacy business, and she does not think The Forge ever had an issue. She has not spoken to them, and they have no clue probably what is going on now, so she would move to include that one Block of 41st Street.

Mayor Gelber clarified that it is geographically separate, and they are considering that amendment on Vice-Mayor Richardson's idea.

65th to 75th Street

Vice-Mayor Richardson explained that they will add another area that will be as written in his draft No. 7 Item Collins Avenue north those properties fronting Collins Avenue from 65th Street 75th Street, including a capacity limit of 100 patrons. Commissioner Arriola made fine points about changing the City in an extremely dramatic way, and he thinks they must be careful. However, he also wants to respond to Commissioner Samuelian who rightfully says that the voters voted 56%. However, for him, he thinks where the vote comes from is very reflective and particularly important, so it was a vote of

about 56%. However, if they look at the areas where there are currently clubs and bars, those areas did not vote with a few exceptions, such as South Pointe Drive, those areas did not vote for 2:00 a.m. The vote that came for the 5:00 a.m. that pushed it to a majority came from an area where there are no bars and clubs, Normandy Gulf Club area, the Venetian Causeway, this was the largest vote in the entire City, over 70%. However, there are no clubs there, so he feels they are giving the people what they are voted for. Flamingo Park and the areas around Ocean Drive very much voted to maintain the status quo, it was 50-50, so he is listening to the people.

Mayor Gelber stated there is consensus and the amendment will be included in Second Reading.

41st Street

Commissioner Meiner is also getting increasingly uneasy, for example, with The Forge, he has been asking what exactly is going on in that facility, there are new owners now doing construction, he has not polled the Mid Beach area about their thoughts. However, he suspects that they will not be happy. The problem is that what is going to happen is that some of the exemptions he is willing to vote on, based on his polling of getting the feel of the neighborhood, assuming he is right, they are going to be extremely upset to have an establishment open until 5:00 a.m. on 41st Street. However, if that is their take, he will be extremely uneasy about granting other exemptions coming to 41st Street.

Commissioner Fernandez shares the sentiments; he lives in the Mid Beach neighborhood, and he does not think the neighbors in that area would welcome a 5:00 a.m. establishment; as it is, they are concerned with quality-of-life issues, and there would be a strong objection to any late-night activity there.

Discussion held.

Vice-Mayor Richardson shares the concerns expressed by his colleagues in that area, and they have not heard an answer. They do not know if the owner might file a lawsuit, because they believe that the time has run out for that property. However, certain things like permits could keep it open. The Item has been referred to the Planning Board, and when it comes back, they will have more information. However, he supports the fact that a club does not fit into that neighborhood, so he is in support.

Commissioner Meiner clarified that there are two different things with the 2:00 a.m.: if they vote to shut down at 2:00 a.m. there are no exemptions. The issue is if they do agree that they can stay open until 5:00 a.m. there is the BTR issue as they have been closed for longer than 183 days.

Nick Kallergis, Deputy City Attorney, explained that prior City Commission exempted operators who had a valid BTR as of the date in 2016. However, they are free to repeal that. The question is had they been operating continuously or keeping up their permits. However, regardless of whether they have or not, the City Commission can repeal that exemption and they still can be required to go back to 2:00 a.m.

Commissioner Meiner has been contemplating during the debate drafting another Voter Referendum for the August Election, a binding ballot with more specificity.

Mayor Gelber added that one of the reasons he wanted time to look at this is because they are toggling a lot of different points, areas, and rules; at this point none of this is permanent, they are going to pass something, they will hear from people and will talk to other folks and come back and find out the impact. He was happy to be able to add another meeting in between because it will probably be needed. However, that said, there has been a lot of accommodation, right now they are taking in 65th to 75th

area for now, and the only difference is that they toggle the capacity limit, or they require that a lien towards food vs liquor, they will have the ability to deal with that at Second Reading. However, he is concerned about doing something and not knowing the impact.

Commissioner Rosen Gonzalez is fine with 2:00 a.m. with no exceptions for 41st Street and told Commissioner Meiner that she understands the reasons why.

Mayor Gelber asked for a vote on R5 P and R5 R with all the performance and the geographic exemptions linked to the requirements. Moved and seconded as amended.

2:22:46 p.m.

R5 P AS AMENDED

Motion made by Commissioner Samuelian, seconded by Mayor Gelber with all the performance and geographic exemptions with requirements. Roll Call: 5-2; Opposed: Vice-Mayor Richardson and Commissioner Arriola. Motion passes. The second Reading Public Hearing is April 6, 2022.

Discussion continued.

2:24:15 p.m.

R5 R

Item has been withdrawn by the sponsor of the Item.

2:24:21 p.m.

R5 T

Commissioner Fernandez has concerns about security rate and part of the reason they are looking at these policies is because of what they experienced during this High Impact Weekends, and it behooves them to consider restricting alcohol sales Citywide to 2:00 a.m. during March and he kindly requested support.

Commissioner Samuelian seconded the motion. He is in support of this initiative and added that they know the problems they had during Spring Break and the potential adverse consequences of seeing that movie repeatedly. Their Administration is making a lot of effort, which he appreciates, and this Body funded \$3 million-plus for positive programs to attract a more mature and diverse audience. They are doing a lot of things. However, he shares Commissioner Fernandez's concern. He is not sleeping great at night thinking about what might be coming. They need to do everything in their power to preserve public safety and quality of life. He especially appreciates that this idea will have an impact and it is a pilot, because the Item itself calls that they would then do an after-action review, and if it does not work, they will not do it again. He is in support and strongly encouraged the Commission to proceed with this and do everything possible for Spring Break.

Commissioner Fernandez added that there is a provision there that in May they would reconsider this Ordinance and consider if they liked it, do they want to continue for the next month, or if it is ineffective or causes unintended consequences, then they will discontinue for the next time. Again, they do not change markets overnight; he is grateful to the Administration for the work done in programming the month of March. However, it takes time to change a market, and hopefully, this provides some relief during Spring Break.

Commissioner Rosen Gonzalez is in support but offered to start the second week of March to make it a more finite period after Winter Party. The party was officially canceled but there are still parties and events surrounding that event, so she asked that they start possibly with the second week of March.

Commissioner Fernandez asked Administration what the concerning dates are of the population coming into the City.

Alina T. Hudak, City Manager, stated that they have good information and analyses that tell them what the peak of the Spring Break season is for the schools that have traditionally come to the City, and she asked Chief Clements to address it. It is usually the St. Patrick's Day Weekend.

Mayor Gelber recognized Chief Clements.

Chief Clements explained that they have two High Impact period weeks that encompasses three weekends, from March 4 - Monday the 21st, and it captures St. Patrick's Day in the middle of that, and that is generally their analysis in looking at schools that are out and traditionally travel to South Florida for Spring Break. In answering Mayor Gelber he clarified that those two weeks are the height points of people visiting Miami Beach, and when they get traffic gridlock it normally affects the avenues and thoroughfares going north and south, and they end up closing those down, diverting traffic, and redirecting traffic off of 5th Street and back into the causeway for people living the beach to give them enough opportunity. The last time they did, they diverted traffic on the Causeway and took them about an hour to get some normalcy back.

Commissioner Rosen Gonzalez stated that even though Winter Party is canceled, the rooms are booked, people are coming and there were parties scheduled, she asked that they consider March 7 through the 21st.

Rafael A. Paz, City Attorney, clarified that the proposed Ordinance is from March 6 until March 31, 2022, because the earliest they could adopt it would be to take effect on March 6, so it is only a one-day period on the front.

Discussion held.

Commissioner Arriola is not supportive of this at all and will be a firm No, because they have done this experiment during Spring Break 2021 during the pandemic, with bars closed and curfew, and that was the worse they have ever seen, so he does not know that the 2:00 a.m. rollback during Spring Break cures anything. They also have another High Impact Weekend with Ultra across the bay with lots of people coming to eat, shop, and dine here and wanting to go somewhere, and that is part of the City's economy; people jobs are relying on that income, so he will be a firm no.

Vice-Mayor Richardson asked Chief Clements about the demands on his staff and other departments, and the impact on their productivity, their jobs, how is it working, and to what extent rolling back to 2:00 a.m. help.

Chief Clements stated that they will start mobilizing the last week of February going all the way through the beginning of April. They are doing the finishing touches on the plan, and it boils down to a lot of hours, time being called in on people off during certain days, they are bringing them in as there is a necessity, as they need to be adequately staff. They are looking at potentially six days a week for every officer for six weeks, and that affects their ability to get through that period without being exhausted. As for another workforce within the City, under the City Manager's direction, they are a team, and they have been out there with them since last year, and he knows that they are also going to be with them and mobilized during that time as well.

Commissioner Samuelian added that for him this will help and will help in terms of their staff and before narrowing the window, which he may want expanded and is open to discussion, because the curve that Mayor Gelber so eloquently drove says that it does not start or end, it can keep going, and he rather be safe than sorry.

Mayor Gelber added that this is Citywide, and he believes it is a good thing to do, as it is an exceedingly difficult time. He has received calls from this and previous Chiefs at St. Patrick's Day Weekend saying they reached their capacity and cannot navigate the streets, they do not have emergency vehicles that can make ways, and frankly, that is a very frightening call, and although he credits with what Commissioner Arriola said in many ways, the pandemic was not the example he would use, because it was almost a dysfunctional, bizarre thing. However, the years prior with no pandemic were the trouble years for him, when there were so many people on the island, and the disorder was so unsettling, and the idea to close down their Causeway is like a venue that has reached capacity and is worried about things happening, so for him, he supports this. However, to defend it they probably want to control it in specific areas, and he is concerned with the hotels north of 15th Street who have lots of contracts for people coming for their internal clubs. He is sure they will get lawsuits from them, and they might end up losing the whole thing, so they may want to consider telling the same exemptions north of 15th Street that those larger hotels over 200 are within in, because he is not sure they can make the argument that they have been the problem under traditional basis, and if they come in with broken contracts it will be a harder legal argument.

Commissioner Fernandez asked if they have zones for major event weekends.

Chief Clements stated that Washington Avenue is an area more frequented during this High Impact Weekends, and predominantly because of the series of clubs from the 700 Block through 15th Street that is active during those weekends. There are locations on Lincoln Road and a few in the Collins Park area that they had issues with, and they do watch these areas during these High Impact Weekends to ensure they comply with the guidelines outlined in their Business Tax Receipts (BTRs).

Discussion held.

Alina T. Hudak, City Manager, believes that the High Impact Ordinance has a zone defined in it and asked City Attorney Paz to help her with that.

Rafael A. Paz, City Attorney, stated that under the MXE, the Entertainment District, and CD-2 between Pennsylvania Avenue and Collins Corridor between 5th Street to 16th Street.

Commissioner Rosen Gonzalez suggested all the places that could potentially have contracts in other areas too. If they are going to exempt that one area, based on that logic, then they would have to exempt everyone.

Commissioner Fernandez is concerned about what has happened traditionally in South Beach during this March period. He has not experienced this in Mid Beach or North Beach, he is doing it Citywide. However, is willing to narrow it down by dates, he is open to that, and is willing to constraint the geographic areas to address the problem without hurting others. He is certainly willing to go everything south of 41st Street but is not sure how far north the problem extends.

Chief Clements added that they have a venue north of 41st Street that draws a sizeable crowd. However, it is also inside, and at the north end of the City they generally do not have locations that

warrant that type of concern, and they are smaller venues, so from 41st Street south is where most of the activity is.

Mayor Gelber asked for consensus.

Commissioner Fernandez is open to limiting the dates and geographic areas, so they address the issue that they face in the entertainment district and South Beach without hurting other establishments. He asked the City Attorney how this can be drafted in a way that they feel is tight and proper.

Rafael A. Paz, City Attorney, opined that what would give them the most flexibility is to adopt on First Reading as is, and then they can narrow from there in terms of dates and geographic location at Second Reading, which would have to be at the February 23, 2022, Special Commission Meeting.

Commissioner Fernandez also wants to be fair to their stakeholders and business community as he is empathetic to them. They have to keep in mind that some people may not have known this Ordinance was traveling, and if they are narrowing this, they rather narrow it now because they have to be mindful of their partners in the private sector. He is open to limiting the dates from the 7th to the 21st and he wants Law Enforcement to guide him on what the geographic area should be for this.

Chief Clements stated that they are talking about locations where people are frequenting, and he understands that they want to do exemptions to that. It helps Law Enforcement to redirect resources that are there already to those locations to ensure they are covered and that there is a presence there, as opposed to being a wide geographic area that for the most part would require more personnel and better resources.

Mayor Gelber agrees with his colleague and recommended taking the dates described, they have support from the Administration and asked if there is a specific region that makes sense.

Alina T. Hudak, City Manager, uses Memorial Day Weekend as an example because they had 2:00 a.m. at that time and it did make a difference. However, she does not remember the parameters. It was the MXE.

Rafael A. Paz, City Attorney, added that in 2019 the City Commission adopted a similar Ordinance where they landed on a six-day rollback to 3:00 a.m. in the MXE and the adjacent CD-2 area.

Commissioner Fernandez wants to clearly define geographic areas, so they know everything south of a certain area.

Discussion continued regarding the High Impact area.

Nick Kallergis, Deputy City Attorney, stated that the MXE district in South Beach and that portion of the CD-2 district between Pennsylvania and Collins Court from 5th to 16th Street; is Washington Avenue, Collins Avenue, and Ocean Drive, between 5th Street and 16th Street. In answering Mayor Gelber Alton Road is not included; it is the CD-2 along Washington Avenue.

Commissioner Samuelian is supportive of what he is doing and thinks that they are going to pick a line, whether 41st Street or further south. However, he would want to avoid the spillover to South of Fifth, to Alton Road west, so for him, he thinks they are best served to draw a line. He was in support of Citywide. However, if they want to narrow it to 41st Street, at least keep it clean so the party does not move to the residents.

Commissioner Fernandez was inclined to draw that line at 41st Street because he does not want to cause unintended consequences on West Avenue, Alton Road, or South of Fifth, that is not the intent.

Discussion continued.

Mayor Gelber added that anyone that has a contract will sue the City and they are going to face their actions.

Commissioner Fernandez is empathetic towards those businesses and does not feel comfortable doing that.

Discussion continued.

Rafael A. Paz, City Attorney, in answering Commissioner Fernandez, explained that when they did the 3:00 a.m. it was limited to the MXE and adjacent CD-2 in correspondence with the High Impact Zone in the City Code.

Commissioner Fernandez moved to make a hard line at 16th Street and do all areas south of 16th Street at 2:00 a.m. including West Avenue and Alton Road.

Rafael A. Paz, City Attorney, reiterated that the amendment is all areas south of 16th Street, from March 7 – 21.

Moved as amended by the sponsor.

Vice-Mayor Richardson expressed earlier his concern that they are spending \$3.4 million on entertainment and he feels like they are losing an opportunity to see the results of that, so that is one of the reasons he cannot support this, and he says that with great respect, because this will be the first time they have invested this kind of money into programming and changing the dynamic, and he fears they are not going to get the opportunity to get the results of that. The other concern he has is that facilities south of these geographic areas also can sue the City, they have contracts. The City Manager said this was successful before, and he believes this is helpful in terms of the performance of the Police Force, because it will take the pressure off them, and that would be one benefit. However, he thinks when this was done before, it started with 21 days, and eventually landed with six days, then the pandemic hit and they were in the worst March they ever had, all bars and clubs were shut down.

Alina T. Hudak, City Manager, was talking specifically about Memorial Day Weekend, and rather than success, she prefers to use the word managed. In terms of resources, she clarified that during this six-week activating around the clock for Police, Fire, Code, Parks, all of them. However, they have a Boat Show, South Beach Food and Wine, and a multitude of events back-to-back, so she wanted to highlight that regarding the toll it takes on their resources.

Vice-Mayor Richardson understands and that is the one reason to support it in his view. However, on the other side, they are not going to get an opportunity to see what the \$3.4 million spent on how that is going to help this issue. If they are taking this measure, he would prefer that they vote on it six months prior so that everyone has noticed. They are going to get lawsuits no matter what the geography is. They have the power to do an emergency; they can have 72 hours for an emergency, and if there is a problem, the Administration can declare an emergency, close the bars, and stop a lawsuit from being

successful. While it is well-intended, he thinks for those reasons it is not in their best interest and he will not be able to support this.

Rafael A. Paz, City Attorney, added that for every single Item discussed today since 9:00 a.m. they will probably see lawsuits, on the contract issue, they are not closing down establishments or prohibiting entertainment from proceeding past 2:00 a.m. they are just terminating the sale and service of alcohol past 2:00 a.m. which they are entitled to do under Florida Law; that is their basic position recognizing they may very well be in court on the issues.

Vice-Mayor Richardson is not a lawyer but did not agree with that defense, the counterpoint would be that people are coming for the experience in its entirety and not just to hear the entertainment.

Mayor Gelber gave a brief history of the happenings during the last Spring Break and how they had to wait until the last minute to do something under pressure. Before the pandemic, there were four or more years that it was always that bad, and for him, the idea to wait until it is so bad to take extreme action does not make any sense when they know that during those weeks the Police Chief has told them what goes on starting with St. Patrick's Day Weekend and how it radiates around, and the reason why he likes the High Impact area is that it is more defensible if challenged. Bad facts make bad laws, and bad facts even when right can get a bad bounce from a judge at times. If a court looks at it and sees that for five years or a decade this area has been overwhelmed at the same time every year, and the City decided to calm this area down because as City Manager Hudak said it was not a success, she said that it was managed because it looks like an armed camp during those or three weeks. No City should have to arm itself with Police everywhere because things are happening that should not happen in a City with people living there. They are not Cancun where his children go for a weekend away from college. Miami Beach is a residential community in addition to an entertainment destination and they must act that way. Cornering off the dates makes sense and cornering the geographic to South Beach makes sense and it would help immensely because he is tired of responding to chaos rather than avoiding it chaos. Leadership is taking action that stops something bad from happening, even though everybody will say why did they do that if nothing happened. However, nothing happened because they acted.

Commissioner Meiner is supportive, he thanked Commissioner Fernandez for bringing the Item. The argument that this year Spring Break is going to be different from last, he is hopeful. However, they have been dealing with this every year, and last year they had a Special Emergency Meeting on a Sunday and voted unanimously that they needed to shut down at 8:00 p.m., those were drastic measures. Certain areas of the City were literally out of control; residents were beside themselves and rightfully so, and he is proud that the Commission took that action immediately. However, they need to prevent that from happening again. He tries to look past that one year. However, they have had issues almost every year, so this is a proactive measure, and he is comfortable supporting it. He feels for any business to say that they are surprised to say that they might do this, they have been discussing this for three years and pre-dated his time on the Commission. The City can pass laws and put in certain measures that the contract is voided, there are ways around it, and comes as no surprise to anyone. Mayor Gelber raised an interesting point and the closure of the Causeway, and after that, he brought an initiative that the Commission passed to have a resident-only lane for these very situations during High Impact Weekends. Unfortunately, in talking to City Manager Hudak and Chief Virgil Fernandez he understands that FDOT will not allow the City to do that and wants to follow that up at the appropriate time. However, these are the type of problems they are dealing with, and they need to be proactive in curving it before it gets too late.

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Commissioner Fernandez amended his Ordinance, so it is limited to the dates of March 7-21 in a more narrowed area of 16th Street south.

In answering Commissioner Fernandez, City Attorney Paz explained that if the Ordinance is adopted at the next Commission Meeting on February 23, 2022, the Ordinance would sunset May 31, so it would automatically be repealed, and the City Commission could review it before then to determine whether they want to extend it or amend it for the subsequent year. Right now, is drafted as a one-year for this period.

Commissioner Fernandez added that they have to be more proactive and less reactive, they cannot make everyone happy; residents were leaving town during Memorial Day and now they are leaving the City during Spring Break and residents deserve a sense of safety and they owe it to them to provide, and he moved the Item. Seconded by Commissioner Samuelian.

Moved and seconded as amended. Roll Call: 5-2; Opposed: Vice-Mayor Richardson and Commissioner Arriola. Second Reading Public Hearing scheduled for February 23, 2022.

City Clerk Rafael E. Granado announced that the Notice will be advertised in The Miami Herald but the Main Section due to time constraints. March 23rd was a Commission Workshop and they will rebrand that as a Special Commission Meeting and Workshop on three items.

3:03:48 p.m.

Mayor Gelber called R5 U.

Commissioner Rosen Gonzalez explained that R5 U says that they will close everything at 2:00 a.m. moving forward if they vote on this. This is probably the most legally defensible Ordinance and has two parts to it; it will send a strong message to anyone considering opening a club or bar in the City. If they want to be a 2:00 a.m. then they create this law that says moving forward no more 5:00 a.m. licenses will be issued and those businesses that currently have licenses in her Ordinance says to grandfather those licenses and then figure out the exemptions based on that. She knows that is unacceptable to many and they may want to consider a portion of the legislation and not the other. She knows that Commissioner Fernandez co-sponsored this Item, so she believes he agrees with her and asked for her colleagues' thoughts.

Commissioner Samuelian thanked Commissioner Rosen Gonzalez for bringing this forward. He likes the Item and given the conversation they had, the first part is the more relevant part because they layout criteria for the other operators and how they are addressing them. However, the first part he likes that a lot of the conversation is about fairness and people investing, so why would they encourage people to invest when they have stated and with a strong residential majority that they are a 2:00 a.m. town, and that is their standard he adopted that language in one of his Ordinances that if there were to be exemptions, that it would include this type of grandfather because they do not want to add to the problem. He is supportive of the notion that they are going to address existing operators, but not encourage new ones. That part of it if she can be bifurcate, he feels supportive about that.

Discussion held.

Commissioner Rosen Gonzalez added that this is the fairest and legally defensible; if they were to pass it everyone will retain their license and have to abide by these exemptions in the future, it would create 136 5:00 a.m. licenses but no more issues in the City.

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Rafael A. Paz, City Attorney, added that this Ordinance as a standalone measure prospectively would go to 2:00 a.m., and anyone with a BTR before March 20, 2022, would continue to operate until 5:00 a.m. subject to whatever else they are doing with all the other versions of the Ordinances that are under consideration; this does not preclude R5 P as discussed or R5 Q from being more restrictive. This is just a starting point to say that prospectively they would not authorize 5:00 a.m. licenses.

Mayor Gelber asked how many 5:00 a.m. licenses are there in the City. Mr. Mooney stated there were 138. Mayor Gelber asked what happens to those licenses if they do not pass this Item but they happen the others.

City Attorney Paz explained that it depends where they land with the other Ordinances which could include prospectively having a minimum distance separation in Mayor Gelber's version of 500 feet, so they would be prohibiting 5:00 a.m. licenses within that distance separation area. However, this would just say prospectively no more 5:00 a.m.

Mayor Gelber added that section e reads: notwithstanding the foregoing all alcoholic beverage establishments with a valid BTR issued before March 20, 2022, that are licensed by the State for on-premises consumption may continue to offer alcoholic beverages for sale or on-premises consumption until 5:00 a.m. His understanding is that no matter what else they do in trying to roll back if other places will have a 5:00 a.m. license.

City Attorney Paz explained this is the starting point, whatever other amendments adopted would become part of the Code and then they are read together; notwithstanding the foregoing language would be modified by whatever was proceeding, whatever limitations discussed and wherever they land in the Art Deco Cultural District and other areas discussed today, that would take precedence over this. However, the starting point should be as of the date of adoption of this Ordinance prospectively no new 5:00 a.m. license. Mayor Gelber asked about the distance separation concept and he explained that it conflicts with this, so ultimately is going to have to be one or the other. What Commissioner Rosen Gonzalez is proposing as of now, however long it may take to land on where they land on R5 P and R5 Q, cut off the 5:00 a.m. licenses as of the adoption of this Ordinance.

Discussion held.

Mayor Gelber explained that there are places that have 5:00 a.m. licenses South of Fifth. If they say for instance that they cannot have a 5:00 a.m. license unless they are a small neighborhood bar, will any of the other places have a 5:00 a.m. license if this is enacted?

Nick Kallergis, Deputy City Attorney, stated that they are going to have to reconcile whatever the Commission decides. Some of these Ordinances conflict with each other, and if this Item is adopted, he assumes it would only apply to areas where businesses are eligible for 5:00 a.m., so under R5 P the Commission identified certain areas that are eligible for 5:00 a.m.; he assumes Commissioner Rosen Gonzalez intends that wherever 5:00 a.m. licenses are permitted they are going to be limited only to existing 5:00 a.m. establishments now.

Mayor Gelber read from this Section if you have a license you will continue to offer beverages until 5:00 a.m., so if they listen to the South of Fifth folks and they say they just want small places and nothing else, what happens to the places that are currently there now that have 5:00 a.m. licenses that do not qualify under that other statute. According to those terms every single place is grandfathered in, he does not understand how that is reconciled with anything other than a place that has a 5:00 a.m.

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license will be able to sell alcohol until 5:00 a.m. He is surprised and feels like they are grandfathering in 150 places.

Rafael A. Paz, City Attorney, clarified that there is no grandfathering. This is in Chapter 6 and is amendable on a 4/7 vote and they are not vesting anyone.

Commissioner Meiner suggested revising the language to contemplate that there are other actions, and it would be subject to what they have been talking about.

Nick Kallergis, Deputy City Attorney, explained that they will do that with Second Reading with these items as there will need to be some reconciliation.

Commissioner Rosen Gonzalez stated this is prospective, no more 2:00 a.m. licenses, if they have a license now of 5:00 a.m. it will be until they pass legislation that says that they do not, and they can amend that language subject to liquor license hours moving forward.

Mayor Gelber asked if they need to say current licenses can continue, or can they remove that language? He has read many Statutes in his life and was in Legislature for ten years, and that says that everybody who has a license may continue to offer beverages until 5:00 a.m. He just does not understand how they are going to reconcile that; and why does that need to be there.

Nick Kallergis, Deputy City Attorney, stated that they need direction from the Commission on whether they would want that to apply to all the areas where 5:00 a.m. exemptions are going to be permitted.

Mayor Gelber explained that if they vote for this, they are going to repeat their debate because now they have given 150 licenses which probably 20 or 30 are serving, and said you have the right to serve until 5:00 a.m. and we may debate again and reconcile; he will not vote for something that assures that more than a hundred licenses are grandfather in when the current scenario has not been good for the City. They are going to repeat the debate when they say reconcile, and he will not support something that grandfathers in every single license in the City.

Commissioner Meiner suggested saying starting March 20 no new business can get a BTR allowing alcohol sales past 2:00 a.m.

Rafael A. Paz, City Attorney, stated they can look at that between First and Second Reading. What is drafted before the Commission is the cleanest in the sense that they are prospectively establishing a 2:00 a.m. termination time, except for, as of now, existing establishments that have a BTR before March 20, as may be amended by the City Commission. If they changed the language, it would change the entire Ordinance. However, they will look at it between First and Second Reading.

Discussion held.

Thomas Mooney, Planning Director, added that any expansion would be regulated under other sections of the Ordinance such as the requirement for a Neighborhood Impact Establishment, whether or not there are any restrictions on those types of uses in existing districts, in which case they would not be able to expand. However, if in an area where they could expand, even if they are subject to CUP approval, this is strictly the City's so this would not affect that.

Commissioner Samuelian stated that they agree to pass all Ordinances together, and the City Attorney reminded them that this is First Reading. To him it seems clear what they are trying to do; no new 5:00

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a.m. licenses. That is what Commissioner Rosen Gonzalez is saying and he agrees with some of the comments that the language between First and Second Reading should be tweaked and agrees that all alcohol Items need to be reviewed holistically to pass it. He is prepared to support that today.

Moved by Commissioner Rosen Gonzalez, seconded by Commissioner Samuelian with language to be amended between First and Second Reading.

Mayor Gelber asked if Section E needs to be there.

Nick Kallergis, Deputy City Clerk, explained that Section E is the jest of the Commission's proposal, which is to say that there be no new 5:00 a.m. licenses.

Rafael A. Paz, City Attorney, clarified that the baseline becomes Citywide 2:00 a.m. termination time, and they need this exemption because all existing establishments would need to terminate at 2:00 a.m. and that is not Commissioner Rosen Gonzalez's intent.

Mayor Gelber is not in support because it is written opposite as to what he wants to do, as there is no other way to read this than grandfathering in of folks. He understands that things will be reconciled later. That will require the City Commission to debate again, so there ought to be a different way to write that other than as written. He suggested saying all current ones must comply with all provisions of law and no new ones will ever be put forward. However, as it is written, it states that all 140 licenses can continue to offer alcoholic beverages for sale on-premises. Is there any other way to write that?

Deputy City Attorney Kallergis stated that another way to write is if R5 P adopted n First Reading if Commissioner Rosen Gonzalez would like to propose an amendment to R5 P so that in each of those geographic areas where 5:00 a.m. is permitted is only for existing establishments in geographic areas as defined, and that is how he would envision if this were adopted how it would be reconciled. In answering Mayor Gelber, he added that language can be added that reads alcoholic beverage establishments that are eligible to apply for extended hours approval shall be limited to those establishments that are as of today able to serve until 5:00 a.m. The only businesses able to apply for extended hours of approval, under R5 P, would be limited to 138 currently licensed.

Moved and seconded.

Mayor Gelber agreed that with that language it would mean that only current ones could apply and no one else. He asked for consensus.

Rafael A. Paz, City Attorney, noted that this Item would modify R5 P to provide that the extended hours of approval would only apply to existing establishments and not prospectively to any new establishment. Instead of a minimum distance separation, they would have this hard cut off prospectively, so they will amend to add stop new 5:00 a.m. establishments from coming in between First and Second Reading.

Discussion held.

Commissioner Arriola is firmly against it. They are going to be known as the person that killed the nightlife industry in the City, and he does not think Commissioner Rosen Gonzalez wants that as a legacy, they are severely restricting what they already have, and this is the nail in the coffin as they will no longer have any 5:00 a.m. entertainment licenses before long. He asked his colleague to reconsider, let all the legislation being discussed pass, and if she feels after all that not enough has been done,

then bring something like this back for them to contemplate. He believes they should start with a 2:00 a.m. as the law of the land. However, there is a path for businesses that comply with certain standards that they will set forward. They have seen quality nightclubs and bars and what they do for their City and its reputation, and they should be able to figure out ways to attract better nightclubs and to just have a blanket 2:00 a.m. is going to kill their City.

Vice-Mayor Richardson stated the Item appears to be written as a standalone Item and not with all these other Items, so the question would be, which Item would supersede the one they talked about earlier or this one? If they want to grandfather everybody in, it will void the conversation they had earlier. If that is what they decide, one way to address it is with an amendment; the other thing is that he shares Commissioner Arriola's concern because the community has evolved. 25 years ago, when he came to the City there were 18 gay bars, most of those have closed and new ones have opened, so the community has evolved, so to say that they never want to have any change in the City, he thinks would a mistake that they are going to be static on and he does not like the idea at all. It appears that there are going to be areas of exemption, and so if a new bar or club wants to open in that area of exemption, they should be permitted to do it. Some of the clubs in the City now are going to close because they are going to fall out of favor, and so there should be opportunities for new clubs, or perhaps someone wants to rebrand or provide different ideas. The nightlife 25 years from now is going to look different than today. He is concerned about that and about the language as drafted on the existing establishments because it conflicts with the Items discussed earlier. However, it can be handled through an amendment.

Commissioner Rosen Gonzalez thinks her Item intends that if they are going to be a 2:00 a.m. City with different exemptions, which is a real privilege to have that 5:00 a.m. license, and she understands the concerns Commissioner Arriola expressed. However, it is very confusing as it is right now with all the different maps. However, once they issue these licenses they have no control of them, and the 5:00 a.m. seems to be a big problem, so why would they want more if they are trying to regulate and work with the ones they already have? And there is nothing wrong with having a few wonderful world-renown nightclubs and thinks these would be valuable establishments, and they will work on the language, so it is clear between the two Readings.

Commissioner Arriola reiterated that this is a great mistake; he asked Commissioner Rosen Gonzalez to delay this until they craft legislation and see how it goes. The great nightclubs in the 1990s brought internationally acclaimed celebrities that resurrected and brought a renaissance to the City; it was the nightlife that did that. Previous Commissions have enacted legislation to make it more difficult for quality nightclubs to open here, the expense, the hassle, and so they went across the bay where there is competition such as Wynwood and Brickell and booming areas. The nightlife industry has shifted there, and they never competitively strategically have gone out after that market anymore for a couple of decades, so they lost their luster for nightlife, and ended up getting the lower end of the market, and he thinks they need to strategically think about how to get back some of the better establishments that helped them reinvigorate the brand of Miami Beach. He thinks this is going to put them back decades, and they will regret this decision; he asked to go slow on this, as it is one of the biggest decisions they will make as a Body, and they need to go slower.

Commissioner Rosen Gonzalez suggested adding an exemption to it that if they are oceanfront hotels with more than 200 rooms, they can apply for a 5:00 a.m. license. She believes that they are in for a renaissance of sorts at these oceanfront resorts, they are extremely high-end, all enclosed, with their own security, so she would put one exemption to apply under those conditions.

Commissioner Arriola added that Liquid and Bar None brought celebrities like Madonna and Stallone, Prince had a club on Washington Avenue on the lower level, so the location is not the problem, it is the businesses that have opened up over the past two decades that have been poorly run and managed for many reasons. The City did not do its best job to regulate them. There is nothing wrong with a bar or nightclub staying open until 5:00 a.m. They have problems right now with fast food joints and other retail. It is an entire ecosystem that exists now. He has said in the past that they need to explore how to accelerate their closures. However, the low-end hotels that have proliferated, how do they get those converted so they do not have \$60 or \$70 room night with the attracting crowds. The 2:00 a.m. issue is a component of how they get their City back under control. However, there are a lot of other things. Killing the nightlife is not going to fix the problem, and it may even exacerbate it.

Commissioner Fernandez is supportive of this in concept because of the challenges they are facing today. They are in the process of redefining, transitioning, and changing this area, hopefully with success, and perhaps they may have a sunset provision to this Ordinance so they can review this and see what happens after one year, to see the direction they are going in. Right now, there is not an appetite for more 5:00 a.m. establishments; when things improve that may change, so he offered that as a possibility to help them move forward. The intent of this is not to grandfather in through this Ordinance.

Commissioner Rosen Gonzalez explained that the intent is that people do not run to these specific areas and open more 5:00 a.m. licenses based on the performance-based criteria and get more of this type of establishments that they do not want for right now. She asked if it can be sunset for two years. She suggested adding the exemption that if they are oceanfront hotels language, so people are not a concern and is read clearly with a sunset in two years. However, she does not think is fair for people that are applying where they have all the rules and now, they are getting applications for more 5:00 a.m. licenses.

Commissioner Fernandez generally likes the idea but is concerned with the unintended consequences, because he sees in his neighborhood that some big box houses are used for large parties, and he does not want to transition entertainment activity into the residential neighborhood. However, today, the community is asking for something like this. He requested one year for review to see if it is still necessary after that, to help them better analyze where they are.

Vice-Mayor Richardson shares the concern about moving the party-to-party homes in residential areas, and he mentioned sunset, and he also shares the view with Commissioner Rosen Gonzalez that she does not want people to rush out tomorrow to get 5:00 a.m. licenses, so one way to shut that down immediately is to take what it is written and sunset it. It looks like they are not going to be able to do any changes before October 1, 2022, because of the Business Tax Receipts (BTRs), so he can support this if it sunsets on September 30 at midnight this year, which would shut down everyone from going tomorrow to those areas discussed today, so no new 5:00 a.m., and they will have time as a Body to address no new 5:00 a.m., and possibly extend that once the exemptions are all done. He is supportive of the sunset of September 30, 2022, at midnight.

Mayor Gelber explained his frustration when Items to the Agenda with heavy legislation are filed late because he does not know what the impact of this is going to be. As it reads, it looks like they are grandfathering in, and there are clear conflicts with some of the proposals which may have distance separation requirements, and since that supersedes that, they will have to change that. They have about 150 permits in the City now, and so he would like someone to explain what is going to happen, and asked staff currently how many are using their 5:00 a.m. permits.

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Thomas Mooney, Planning Director, stated that the question is whether they are staying open until 5:00 a.m. or not, and they do not know.

Mayor Gelber guesses that most of them are not open until 5:00 a.m., so the “cow is out of the barn” in a sense, so he does not know what this would do to that, and he rather address that issue than do something that might make it worse, grandfather somebody in, or be inconsistent with something else done, and this is exactly why he does not like late-filed bills; he is not going to support it; he suggested bringing the Item later and he may be in support after review and research. However, these are major issues that are affecting something they have had for 12 hours. He is not supporting it because this is hard enough to do when having a lot of time to think about it and debate it, and this has an impact and he does not know what the impact is going to be.

Commissioner Fernandez stated that their colleague, the sponsor of the Ordinance, indicated that it is not her intent to grandfather. He asked the City Attorney if language can be added to the Ordinance establishing a legislative intent clarifying that it is not the intent of this legislation to do that.

Rafael A. Paz, City Attorney, answered in the affirmative and they will also commit that between First and Second Reading if adopted, to work on the text itself to address comments.

Commissioner Rosen Gonzalez reiterated her motion.

Mayor Gelber is not disputing the intent but the words he is reading; he knows what they are saying, and when the lawyers say that they will reconcile that later, he knows they will have to go to other Ordinances and creates conflict, so they will have to relitigate some of these, so until he knows what he is voting for, and he knows its impact on all the other legislation passed, he cannot be supportive. The intent is great. However, he knows legally that words are going to be more important than the intent they put into the Ordinance. Words are what people rely on when going to court. He does not feel comfortable given how fast the Item came in at the last minute, the evening before the meeting, so he is against it.

Vice-Mayor Richardson thinks there is more consensus than what they are recognizing. Commissioner Rosen Gonzalez is trying to stop someone from opening a new 5:00 a.m. establishment until they work everything out; Commissioner Samuelian is supportive of that piece of it and suggested bifurcating. He asked if Commissioner Rosen Gonzalez would accept the amendment to remove the grandfather in, as it is the word that is causing the concern, and amend it to say that they want a moratorium on any new business 5:00 a.m., to sunset on September 30, 2022, at midnight, and he thinks there is support. Some of them are not ready to vote on this on First Reading as it is and asked if an amendment is accepted to deal with the 5:00 a.m. issue and get more support.

Commissioner Samuelian stated that the sponsor has been clear and explicit; the intent is that they do not want those new licenses. They have declared the City, by the will of the residents, that it is 2:00 a.m., and he agrees that the language needs to be cleared up. Mayor Gelber made that point quite well. To the extent that this overlaps with other Ordinances, they must deal with that all day for many hours now. He thinks this is simple; she intends that they will not have new licenses; it is good policy, it is consistent with the will of the voters, so he hopes they can vote.

Commissioner Meiner is supportive and thinks Mayor Gelber is open to suggestions and compromise, he thinks his intent is clear, he agrees that the language will be tweaked between readings, and he will vote in favor.

Vice-Mayor Richardson added that intent is not on the paper now and asked if she intends to grandfather all the existing establishments in the entire City.

Commissioner Rosen Gonzalez replied “no;” they do not want any new licenses going forward, and they are going to clarify the language; she may not even want to do the sunset because she does not understand that and it does not make sense, so she does not want it sunset months from now. They have a motion and a second, and she would like to vote on it as is without the sunset because she was trying to accommodate everyone. However, she intends to take the licenses they have and work with those, and the people that get these exemptions will get them and is very confusing for people who are going to come and open new nightclubs at 5:00 a.m. because that is what the problem has been. She asked for a vote amending and clarifying the language.

Mayor Gelber explained that he allows everyone to debate before he calls the vote.

Vice-Mayor Richardson asked for clarification on the vote. This grandfathers forevermore every existing 5:00 a.m. entity in the City, and it prevents any new 5:00 a.m. licenses; it has a grandfather provision, and he supports 5:00 a.m. but if that is the intent and the language: will grandfather every existing; if that is the will of the Body, do it, then no new 5:00 a.m. forevermore and asked the Office of the City Attorney to confirm.

Nick Kallergis, Deputy City Attorney, stated that the Ordinance says that the existing 5:00 a.m. can continue to serve until 5:00 a.m. with no specific vesting component. If amended as suggested earlier it would be only existing 5:00 a.m. are even eligible to apply under R5 P.

Vice-Mayor Richardson explained the problem he has is that the Ordinance was written as a standalone, not in consideration with the others, so it does not say which Ordinance will supersede the other one; it does not say what they did on R5 P earlier will reign over this, or whether this will reign over that, so he wanted to be clear on what they are voting on. Every existing business that has a license that is 5:00 a.m. will be forevermore grandfathered and will keep that license until the end of time, and it will prevent a 5:00 a.m.

Mayor Gelber agrees that changes can be made and read language into the record. Notwithstanding the foregoing, all alcoholic beverage establishments with a valid Business Tax Receipt issued that are licensed by the State for on-premises consumption may continue to offer alcoholic beverages for sale or on-premises consumption until 5:00 a.m. It is clear and as written; he knows they can write another Ordinance that says that only means this. However, the problem is that it has not been written yet, so all he is voting is for what he perceives to be a grandfathering clause for 140 Business Tax Receipts (BTRs) for all night consumption, and he just does not want to vote for that now. He does not know what is next, and he cannot vote for something, and it is his fault for allowing this to come in for debate because it is confusing given all the other moving parts.

Commissioner Rosen Gonzalez knows that her colleagues are not going to support this if she does not clarify that language for Second Reading, and she explained her intent to everyone that they will rework the language on Second Reading so it is clear that this is not grandfathering in and moving forward it is just a moratorium on new 5:00 a.m. licenses.

Vice-Mayor Richardson added that is the reason he suggested bifurcating the two issues. He is not going to vote on First Reading; he voted against R5 P, and while he would be generally supportive of the initiative, he does not think that is the will of the people who voted for the City Commission to act.

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He trusts that changes will be made. However, he is still not comfortable voting on First Reading. He suggested amending or removing and leaving the 5:00 a.m. piece.

Commissioner Rosen Gonzalez clearly said they were going to reword the language and get clarification; she knows that if it is a complete grandfathering, she will not have the support, so she is not going to set herself for failure on Second Reading.

Commissioner Fernandez asked the City Attorney if they amend the Ordinance today, remove that portion, and they determine in their legal analysis that similar language is necessary along with other language to clarify the ones they are not grandfathering in, can that be re-introduced before Second Reading and Deputy City Attorney Kallergis answered that they can work with the sponsor. He is comfortable approving this on First Reading by amending it to remove that language, to give the City Attorney the time needed to present in the proper form that addresses the concerns of the City Commission.

Rafael A. Paz, City Attorney, added that by removing that language, they are left with Citywide 2:00 a.m. across the board with no exemptions whatsoever.

Commissioner Rosen Gonzalez stated that if it is confusing on Second Reading, she will withdraw the Item. However, they will make clear what their intent is, and they have a motion and a second.

Mayor Gelber stated this does not have the word moratorium in it. He read a portion of the title – establishing 2:00 a.m. and further reads: establishing an exemption for extended hours of service for existing alcoholic beverage establishments with a valid Business Tax Receipt issued before March 2022. The title says they are creating an exemption, so he understands it is supposed to be a moratorium. However, that word does not appear there; it says if licensed before March they can continue serving, and he understands they will make changes. However, why would he vote for something now that does precisely what he does not want to happen in the City? He asked for a vote.

Commissioner Arriola stated this is an idiotic policy and is not what residents voted for; they specifically voted for exemptions and that is what they have been trying to craft for the past seven hours, and this is saying going forward no more 5:00 a.m. She is going to go down as the person that killed the nightlife industry in the City. Previously they identified good operators in places where they want them, just an hour ago, and now they are saying never again are they going to do that, it just does not make any sense.

Commissioner Samuelian clarified with the City Attorney if this Ordinance prohibits new establishments opening past 2:00 a.m. and the answer was yes. He asked if it does anything to give additional rights to those 5:00 a.m. establishments, or when they change their Ordinances, they are 100% applicable to the existing 5:00 a.m.

City Attorney Paz answered that is the intent. There is a lot of reconciling that needs to go on.

Mayor Gelber hopes by Second Reading is fixed, it has the moratorium word in it, and it has the intent. He asked for a Roll Call.

Discussion held.

Rafael A. Paz, City Attorney, explained that they will clarify the text between First and Second Reading.

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City Clerk Granado read the amendments: 1) no exemption for oceanfront hotels, 2) no legislative intent and 3) no sunset provision.

Moved and seconded. Roll Call: 4-3; Opposed: Mayor Gelber, Vice-Mayor Richardson, and Mayor Gelber. Second Reading Public Hearing scheduled for April 6, 2022.

Handouts or Reference Materials

1. Maps provided by the Office of the City Attorney in reference to Items R5 P, R5 Q, R5 R, R5 S, R5 T, R5 U, R9 E, R9F, and R9 G. (The Items with a time certain of 9:10 a.m.)

9:21:06 a.m.

2:24:15 p.m.

R5 R AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 6 OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, ENTITLED "ALCOHOLIC BEVERAGES," BY AMENDING ARTICLE I, ENTITLED "IN GENERAL," BY AMENDING SECTION 6-3 THEREOF, ENTITLED "HOURS OF SALE/VIOLATIONS," TO AMEND THE HOURS OF SALE OF ALCOHOL FOR ON-PREMISES CONSUMPTION AT ALCOHOLIC BEVERAGE ESTABLISHMENTS; ESTABLISH A UNIFORM PROCEDURE TO APPLY FOR EXTENDED HOURS OF SERVICE FOR EXISTING ALCOHOLIC BEVERAGE ESTABLISHMENTS LOCATED WITHIN THE AREA GENERALLY BOUNDED BY EUCLID AVENUE ON THE WEST, THE ATLANTIC OCEAN ON THE EAST, 16TH STREET ON THE NORTH, AND 5TH STREET ON THE SOUTH; CREATE APPLICATION REQUIREMENTS; PROVIDE FOR RENEWALS; ESTABLISH MINIMUM PERFORMANCE STANDARDS, CRITERIA, AND CONDITIONS; PROVIDE FOR PENALTIES, ENFORCEMENT, AND APPEALS; AND CREATE A REPORTING REQUIREMENT; AND BY CREATING SECTION 6-3.1, ENTITLED "RESPONSIBLE VENDOR QUALIFICATION," TO ESTABLISH CRITERIA FOR AN ALCOHOLIC BEVERAGE ESTABLISHMENT TO QUALIFY AS A RESPONSIBLE VENDOR; AND PROVIDING FOR A SUNSET AND AUTOMATIC REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

First Reading

Office of the City Attorney
Commissioner Mark Samuelian
Supplemental updated on 2/4/2022
(Memorandum and Ordinance)

ACTION: The Item was heard in conjunction with related Items R5 P, R5 Q, R5 S, R5 T, R5 U, R9 E, R9 F, and R9 G. **Item withdrawn by Commissioner Samuelian.**

9:22:10 a.m.

11:47:06 a.m.

R5 S AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 6 OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, ENTITLED "ALCOHOLIC BEVERAGES," BY AMENDING ARTICLE I, ENTITLED "IN GENERAL," BY AMENDING SECTION 6-3 THEREOF, ENTITLED "HOURS OF SALE/VIOLATIONS," TO UNIFORMLY PROHIBIT THE SALE AND SERVICE OF ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION BETWEEN THE HOURS OF 2:00 A.M. AND 8:00 A.M. EACH NIGHT AT ALCOHOLIC BEVERAGE ESTABLISHMENTS LOCATED ALONG WEST AVENUE AND ALTON ROAD, BETWEEN 5TH STREET AND COLLINS CANAL (INCLUDING SIDE STREETS); AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

First Reading
Office of the City Attorney
Commissioner Mark Samuelian
Supplemental updated on 2/4/2022
(Memorandum and Ordinance)

ACTION: Ordinance adopted on First Reading. Title of the Ordinance read into the record. See discussion and action with R5 Q. The Item was heard in conjunction with related Items R5 P, R5 Q, R5 R, R5 T, R5 U, R9 E, R9 F, and R9 G. Motion made by Commissioner Samuelian to adopt the Ordinance on First Reading; seconded by Mayor Gelber. Roll Call: 5-2. Opposed: Vice-Mayor Richardson and Commissioner Arriola. Second Reading Public Hearing scheduled for April 6, 2022. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda, if received. **Office of the City Attorney and Thomas Mooney to handle.**

Handouts or Reference Materials

1. Miami Beach United Resolutions For Commission Meeting of February 9, 2022 – R5 S, R9 E, R9 F, and R9 G - Supports.

9:22:42 a.m.

2:24:40 p.m.

R5 T AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 6 OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, ENTITLED "ALCOHOLIC BEVERAGES," BY AMENDING ARTICLE I, ENTITLED "IN GENERAL," BY AMENDING SECTION 6-3 THEREOF, ENTITLED "HOURS OF SALE/VIOLATIONS," TO PROHIBIT THE SALE AND SERVICE OF ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION BETWEEN THE HOURS OF 2:00 A.M. AND 8:00 A.M. EACH NIGHT AT ALCOHOLIC BEVERAGE ESTABLISHMENTS THROUGHOUT THE CITY, DURING THE SPRING BREAK HIGH IMPACT PERIOD IN 2022; AND PROVIDING FOR A SUNSET AND AUTOMATIC REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

First Reading
Office of the City Attorney
Commissioner Alex Fernandez
Addendum added on 2/4/2022
(Approved by Mayor Gelber)

ACTION: Ordinance adopted on First Reading as amended. Title of the Ordinance read into the record. The Item was heard in conjunction with related Items R5 P, R5 Q, R5 R, R5 S, R5 U, R9 E, R9 F, and R9 G. See comments and action with R5 Q. Motion made by Commissioner Fernandez to adopt the Ordinance on First Reading as amended; seconded by Commissioner Samuelian. Roll Call: 5-2; Opposed: Vice-Mayor Richardson and Commissioner Arriola. Second Reading Public Hearing scheduled for **February 23, 2022**. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda, if received. **Office of the City Attorney and Thomas Mooney to handle.**

AMENDMENT:

- Limit dates to **March 7-21** in a narrower area of 16th Street south.

City Clerk's Note: The February 23, 2022, Notice of Commission Meeting will be advertised in The Miami Herald, in the Main Section, due to time constraints. The March 23 Commission Workshop will be rebranded as a Special Commission Meeting and Workshop on three Items.

9:23:15 a.m.

3:57:19 p.m.

R5 U AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 6 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "ALCOHOLIC BEVERAGES," ARTICLE I, ENTITLED "IN GENERAL," BY AMENDING SECTION 6-3 THEREOF, ENTITLED "HOURS OF SALE/VIOLATIONS," TO UNIFORMLY PROHIBIT THE SALE AND SERVICE OF ALCOHOL BEVERAGES FOR ON-PREMISES CONSUMPTION BETWEEN THE HOURS OF 2:00 A.M. AND 8:00 A.M. EACH NIGHT AT ALCOHOLIC BEVERAGE ESTABLISHMENTS THROUGHOUT THE CITY; ESTABLISHING AN EXCEPTION FOR EXTENDED HOURS OF SERVICE FOR EXISTING ALCOHOLIC BEVERAGE ESTABLISHMENTS WITH A VALID BUSINESS TAX RECEIPT ISSUED PRIOR TO MARCH 20, 2022; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

First Reading

Office of the City Attorney

Commissioner Kristen Rosen Gonzalez

Co-sponsor Commissioner Fernandez

Addendum added on 2/8/2022

ACTION: Ordinance adopted on First Reading as amended. Title of the Ordinance read into the record. The Item was heard in conjunction with related Items R5 P, R5 Q, R5 R, R5 S, R5 T, R9 E, R9 F, and R9 G. See comments and action with R5 Q. Motion made by Commissioner Rosen Gonzalez to adopt the Ordinance on First Reading as amended; seconded by Commissioner Samuelian. Roll Call: 4-3. Opposed: Mayor Gelber, Vice-Mayor Richardson, and Commissioner Arriola. Second Reading Public Hearing scheduled for April 6, 2022. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda, if received. **Office of the City Attorney and Thomas Mooney to handle.**

AMENDMENTS:

- No exemption for oceanfront hotels.
- No legislative intent.
- No sunset provision.

R7 – Resolutions

R7 A A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, FOLLOWING A DULY ADVERTISED PUBLIC HEARING, AUTHORIZING THE AMENDED AND RESTATED GROUND LEASE AGREEMENT (THE "GROUND LEASE") BETWEEN THE CITY OF MIAMI BEACH AND CFC-MB I, LLC, AN ARIZONA LIMITED LIABILITY COMPANY, FOR THE COLLINS PARK ARTIST WORKFORCE HOUSING PROJECT (THE "PROJECT"); SAID GROUND LEASE MODIFYING, ON A LIMITED BASIS, THE REQUIRED MIX OF INCOME-ELIGIBLE TENANTS OF THE WORKFORCE HOUSING UNITS AT THE COLLINS PARK ARTIST WORKFORCE HOUSING PROJECT, PROVIDED THAT ALL OF THE WORKFORCE HOUSING UNITS FOR THE PROJECT SHALL BE RENTED SOLELY TO ELIGIBLE INDIVIDUALS WITH HOUSEHOLDS EARNING 120% OR LESS OF THE AREA MEDIAN INCOME FOR MIAMI-DADE COUNTY,

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CONSISTENT WITH ALL APPLICABLE REQUIREMENTS RELATING TO WORKFORCE HOUSING AS PROVIDED IN CHAPTER 58 OF THE CITY CODE; AUTHORIZING THE LEASE AGREEMENT (THE "FIRST FLOOR SUBLEASE") BETWEEN CFC-MB I, LLC (SUBLESSOR) AND THE CITY OF MIAMI BEACH (SUBLESSEE) FOR THE FIRST FLOOR RETAIL SPACE WITHIN THE PROJECT; AND FURTHER, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE FINAL NEGOTIATED AGREEMENTS.

1:55 p.m. Public Hearing
Economic Development
Deferred from January 20, 2022 - R7 A

ACTION: Item deferred to February 23, 2022, Special Commission Meeting. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda, if received. **Rickelle Williams to handle.**

Handouts or Reference Materials

1. Ad in The Miami Herald No. 02092022-02

4:01:01 p.m.

R7 B A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING, BY 5/7THS VOTE, FOLLOWING A DULY NOTICED PUBLIC HEARING ON FEBRUARY 9, 2022, PURSUANT TO SECTION 82-504 OF THE CITY CODE, THE PLACEMENT OF A COMMEMORATIVE PLAQUE NEAR THE RACQUETBALL COURTS IN FLAMINGO PARK, IN MEMORY OF GENE HOWARD.

2:00 p.m. Public Hearing
Parks and Recreation

ACTION: Resolution 2022-32042 adopted. Title of the Resolution read into the record. Public Hearing held. Motion to approve the Resolution made by Commissioner Arriola; seconded by Vice-Mayor Richardson. Vote: 7-0. **John Rebar to handle.**

John Rebar, Parks and Recreation Department Director, introduced the Item. This is a public hearing to place a commemorative memorial plaque for Mr. Gene Howard at the Flamingo Park racquetball area. Mr. Howard's daughter is here and would like to speak on behalf of her dad. Parks and Recreation Director Rebar has heard many great things about Mr. Howard. Parks and Recreation Director Rebar did not work with Mr. Howard, but when the Parks and Recreation staff found out about this plaque, what they had to say about Mr. Howard was incredible.

Mr. Howard's daughter spoke. She thanked the Mayor, the Commissioners, and Parks and Recreation Director Rebar on behalf of her family. Her mother is appearing via Zoom; she is in Hawaii with her grandchildren this week. Her mother would love to be here in person, but she will be appearing via Zoom. A few members of the community have sent messages over the past week in support. She will share some of the notes that the family has received from friends across Miami Beach. She wanted to call particular attention to some words from Mandy Heller, whose father David Heller was a CPA and played racquetball with her father for decades here on Miami Beach. Ms. Heller wrote: "Racquetball on Miami Beach meant and means friendship and community. It is an outlet for fitness, and it is also where men and women have met to chat, talk, and build communications. The people who served on philanthropic boards together built this City when homes on the water cost less than \$100,000 and South Beach was still a place for the elderly. They worked behind the scenes and without much credit

spending their hours to build the centers and resources that we have today.” Amongst some of the other people the family has heard from who asked to make sure their names were mentioned include: Warren Zinn, Vicki Miller, Ambassador Paul Cejas, Trudy Cejas, Commissioner Joy Malakoff, Executive Director of the Visitors Convention Authority Grisette Marcos, John Robert Hertzberg, Kevin Abrams, Judy Abrams, Doctor Richard Colic, who is in attendance, Jenny Channing Elegant, her husband from the Chamber, Mark Meland, Jill Meland, Jeff Klein of the Fountainblue., and people from all across Miami Beach who made their presence felt to her father and who he was able to help either on the golf course, on the racquetball court, through tennis, or his softball team. She cannot say how much it has touched her soul when former Commissioner Steinberg proposed to honor her father by placing a permanent memorial stating that Gene Howard played here and that he made a difference to this City is the best reflective way that she can see him as part of this community forevermore. Her father started playing racquetball at Flamingo Park in the 1960s. He started teaching her how to play racquetball at Flamingo Park in the 1970s. through all of its machinations, mess, and rebirth in growth he continued to play racquetball there until the last decade when he had to stop because of the cancer treatment he was undergoing. He continued to play golf at the Miami Beach golf course at that point. His sponsorship of softball teams and his sponsorship of other sports and activities across Miami Beach, including the Billy Shochet Golf Tournament that is going to be coming back later this spring just goes to show her father’s commitment to his community, to sports, to activities, and fitness; hat has always been a fantastic place for people to get, stay, and remain connected in this community. She thanked the Commission; she hopes they will consider this.

Mayor Gelber thanked the family. As the son of a Flamingo Park paddleball player, that is what Mayor Gelber’s dad called racquetball, Gene Howard was a well-known fixture at his temple. Mr. Howard went to the same high school and middle school as Mayor Gelber. Mr. Howard was known as a gregarious guy. It is nice that the City can do this. Mayor Gelber thanked Parks and Recreation Director Rebar and the Parks and Recreation Department for putting this together. Mayor Gelber expressed that the City is happy to do this. The Commission must recognize those that have been decent members of our society for decades. We are sorry for your loss but incredibly happy to be able to put some small memory in a place that Mr. Howard loved so that people who knew him and people who did not know him in years to come will know that Mr. Howard was something important to Miami Beach.

Motion to approve the Resolution made by Commissioner Arriola.

Motion seconded by Vice-Mayor Richardson.

Mayor Gelber commented that everyone on the dais will second the motion.

Vote: 7-0.

Mayor Gelber thanked the family.

Public hearing opened.

Elsie Howard, wife of Gene Howard spoke via Zoom. Miami Beach has been her home for a lifetime because Gene Howard loved Miami Beach. She is very honored and happy to acknowledge her husband for all the years that he spent cleaning the racquetball courts with newspapers so that everybody could play and for all the years that her husband fielded the football the baseball team Flamingo Park. Her husband loved Flamingo Park. Her husband, Heidi, Aaron, and herself have spent a lifetime supporting and working for Miami Beach. Gene loved Miami Beach. She is grateful to everyone on the Commission. She knows her husband would be proud. She thanked the Commission.

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Mayor Gelber asked Parks and Recreation Director Rebar to “get that plaque up.”

Handouts or Reference Materials

1. Ad in The Miami Herald No. 02092022-02
2. Email from Elsie Howard, elsiehmiami@gmail.com, Date: February 2, 2022, RE: Section 166.041 F.S. Proposed Gene Howard Plaque at Flamingo Park Racquetball Court.
3. Handout from family showing support for the placement of a commemorative plaque near the racquetball courts in Flamingo Park, in memory of Gene Howard.
4. Letter from Howard Brodsky, Esq., Date: February 8, 2022; RE: Public Hearing scheduled for February 9, 2022, at 2:00 p.m. to vote on the placement of a commemorative plaque near the racquetball courts in Flamingo Park in Memory of Gene Howard.
5. Email from Ray Slate, rayslate33@gmail.com, Date: February 8, 2022, RE: Gene Howard Plaque.

6:03:10 p.m.

R7 C A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, DIRECTING THE ADMINISTRATION TO PROVIDE, UPON REQUEST OF EITHER THE MAYOR OR ANY MEMBER OF THE CITY COMMISSION, A LIST OF ALL DATABASES AND CATEGORIES OF DATA UTILIZED BY THE MIAMI BEACH POLICE DEPARTMENT AND CODE COMPLIANCE DEPARTMENT, IN ORDER TO ASSIST THE MAYOR AND CITY COMMISSION IN MAKING EFFECTIVE, INFORMED, DATA-SUPPORTED DECISIONS.

Commissioner Steven Meiner
Deferred from January 20, 2022 - R7 F

ACTION: Item deferred to March 9, 2022, Commission Meeting. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda, if received **Chief Clements and Hernan Cardeno to handle.**

Commissioner Steven Meiner introduced the Item. In response to a question from Mayor Gelber, he stated that the Item was still active. Commissioner Meiner has been working with Miami Beach Police Chief Clements and his staff. He knows they have been working hard and coming up with a way to do this. Commissioner Meiner asked Chief Clements for an update.

Chief Clements stated that the Miami Beach Police Department is in the process of working with the Miami-Dade Information Technology Division to create a program that gives the Miami Beach Police Department the information that populates the current Court tracking disposition report that Commissioner Meiner asked the Miami Beach Police Department to create several months ago. His understanding is that the Miami-Dade Information Technology Division recently took on this project and they estimate that it will take 29 hours for the Miami-Dade Information Technology Division to create and to give the Miami Beach Police Department the data that they are looking for. Once the Miami-Dade Information Technology Division can do that, the parties will be able to bridge what they currently have. Then the Miami Beach Police Department will give Commissioner Meiner a complete report on the three vacant fields that are not generated.

Commissioner Meiner asked when Chief Clements says it “populates the data,” it would tell the Miami Beach Police Department whether the case has been adjudicated.

Chief Clements responded “yes.” At that point, it will give the status in terms of whether the case is open, closed, the adjudication, bond amounts, and potentially any other actions after the conclusion of

the case.

Commissioner Meiner asked if Chief Clements had any sense as to when that will be live.

Chief Clements responded that he does not have that information. He knows that the Miami Beach Police Department is currently on the clock. The Miami-Dade Information Technology Division estimated it would take 29 hours for them to be able to do that. The Miami-Dade Information Technology Division must sort the data that comes from other agencies, thereafter isolate Miami Beach Police Department data, then give the Miami Beach Police Department that information out of that particular database, and then put it back so that it auto-populates the City's report.

Commissioner Meiner asked if the data is going to be accessible only internally or can the public also view it.

Chief Clements responded that he does not know that yet. The Miami Beach Police Department will have to look at the report; there is information that is protected. There are some things on the report that the Miami Beach Police Department will have to look at to make sure that it is not violating the law by releasing the information. Chief Clements wants to look at the report in its totality. Maybe the Miami Beach Police Department will be able to set something up on a dashboard that the public has access to. Chief Clements must look at it to verify that the Miami Beach Police Department is not doing anything or giving any information out that is protected by law.

Commissioner Meiner stated that this would be great. It would be a game-changer in his view. As Chief Clements knows to gather the data on battery, indecent exposure, and criminal mischief he had to go through each of the cases himself and view the disposition and adjudication. Commissioner Meiner thanked the Office of the City Attorney and City Manager Hudak who helped Commissioner Meiner obtain access to a database that he utilized to do that work. However, it was very time-consuming, and Commissioner Meiner was only able to get through one quarter. This would be a significant change if the City had that type of information. Chief Clements had told him, but Commissioner Meiner made many calls around the country and this is not a unique problem to Miami Beach, this is a nationwide problem. It is concerning. The most important issue that any government faces is public safety, and it is difficult to access the information as to how cases are disposed of without going through each case.

Chief Clements stated that the data for all the quarters that was provided was from independent entries that the Miami Beach Police Department had to go into and look at the dispositions. To find the disposition, there were several pages that one had to scroll down to extract the data that Commissioner Meiner was asking for. Additionally, some data fields were not filled or completed, and the Miami Beach Police Department had to go back to those at the beginning of every week and see the status. It is not an easy task.

Commissioner Meiner asked Chief Clement, whether the new system will auto-populate the data.

Chief Clements responded "yes." It is his understanding that the Miami Beach Police Department will be able to run the report several times a week to be able to go ahead and input that data.

Commissioner Meiner asked how it works because generally adjudication can take months. He asked if the report must be run again.

Chief Clements stated that some cases can take years depending on the nature of the case. What ends up happening as the case is entered into the Miami-Dade system it would auto-populate the Miami

Beach Police Department report and the Police Department would be able to see that. The Miami Beach Police Department would probably have to look at that case independently because it is a complete report. One would not get an individualized report on a case that was just closed out. The system has not been set up that way to the best of my knowledge. However, the Miami Beach Police Department could look at and see if this system can be modified later to do that. Chief Clements asked Commissioner Meiner if he is seeking to find information when individual cases are closed and their disposition.

Commissioner Meiner stated that if a case is updated then the database dashboard should be updated.

Chief Clements stated that the Miami Beach Police Department will have to be checking it daily and they would have to be looking for that case specifically. Chief Clements explained that it is a complete report. It is like an Excel spreadsheet that the data is being put on. The Miami Beach Police Department would be earmarking that case to try to get a status on it.

Commissioner Meiner thought that the data is auto-populated.

Chief Clements confirms that the data is auto-populated, but it auto-populates the complete report not just one individual entry to the complete report. One would have to look for that individual case and look to see what the status of that case is. The other thing that can be done, is work in conjunction with the State Attorney's Office or with the Municipal Prosecutor and get an update on any particular case individually because these entities will have the case file and would be able to state where the case is in the system. The Miami Beach Police Department is trying to tighten up the process associated with that as well so that the Miami Beach Police Department can stay on top of those things and look at other options associated with the prosecution of the case.

Item deferred to March 9, 2022, Commission Meeting.

6:09:50 p.m.

R7 D A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, RE-AFFIRMING THE POLICY DIRECTION SET FORTH IN CITY COMMISSION RESOLUTION NO. 2019-30803 TO PURSUE CONSISTENT, ASSERTIVE ZERO TOLERANCE ENFORCEMENT OF QUALITY OF LIFE OFFENSES IN THE CITY OF MIAMI BEACH.

Office of the City Attorney
Deferred from January 20, 2022 - R7 G
Commissioner Mark Samuelian

ACTION: Resolution 2022-32043 adopted as amended. Motion made by Commissioner Samuelian to adopt the Resolution as amended; seconded by Vice-Mayor Richardson. Vote: 7-0. **Chief Clements and Hernan Cardeno to handle.**

AMENDMENT:

Change the word *Aggressive* to *Whereas, the City enforces its zero-tolerance policy while always trying to deescalate situations and seek a peaceful resolution to issues.*

Commissioner Samuelian stated that this is a reaffirmation of the City's policy against quality-of-life offenses. Public safety is the top priority, and the Commission needs to be clear and set the rules as leaders. He thought it was important to go on record and reaffirm their policy.

Vice-Mayor Richardson stated that he received calls since this was deferred from the last meeting. He does not like the word “aggressive” it is a trigger word. He does not want this Body to signal to the Police that the Commission wants them to do something illegal. He is in favor of zero-tolerance, but not aggressive. He asked Commissioner Samuelian if he had any thoughts.

Commissioner Samuelian stated that he is aware of the feedback, but the words are “aggressive enforcement.” When they passed this in 2019 in both Committee and when the Commission, it was not the intent to signal to the Police to use illegal means to enforce matters.

Mayor Gelber asked Chief Clements about the rules of engagement.

Chief Clements stated that the Police explain the rules to the public, then assertively address those rules. People travel from all over the world to visit Miami Beach and the rules from where visitors come may be different. How people act once the Police inform them of the rules and given an order determines how the Officer will react.

Mayor Gelber asked Chief Clements if he prefers the verbiage “aggressive” be changed to “assertive.”

Chief Clements stated there is a fine line between the word assertive and aggressive. They look at crimes charts and are aggressively addressing those crime events, but not being aggressive towards people. From his perspective, “assertive” works for the Police Department.

Vice-Mayor Richardson thanked Chief Clements for managing. He thinks that the Police Department can be assertive when responding to an issue. He does not want to dictate how the Police should handle issues, but he would like the Police to react assertive and not aggressive.

Commissioner Samuelian stated that he would react favorably, he intends to send a strong message. He heard the Police Chief use good language for things he does. The word assertive in place of aggressive is sufficient. He accepted the amendment.

Amendment 1: Change the word “aggressive” to “assertive.”

Mayor Gelber asked what word Chief Clements would like to see.

Chief Clements stated that the word assertive or consistent works; he was not pleased with the word aggressive.

Discussion held about grammar.

Commissioner Meiner stated that he is agreeable with the word change. He uses zero-tolerance often and there are still people who do not agree with it. There are still quality-of-life offenses happening even though there is a zero-tolerance approach. The most important thing is Police presence and prosecution.

Chief Clements stated that under the City Manager’s leadership they have been able to utilize different aspects of policing to combat issues; for example, getting back to the basics of community policing. It takes time but they are working on it.

Mayor Gelber stated he views the term aggressive in means of the way of community policing. They

are not arresting people first; they are polite and try to educate the public. If the response is hostile or even if the public ignores the orders of the Officer, they then use a different approach.

Commissioner Samuelian stated that to him zero-tolerance means prudent de-escalation; they are not looking for problems, they are looking to address the problems.

Moved by Commissioner Samuelian; Seconded by Commissioner Meiner.

Commissioner Fernandez thanked everyone for the discussion they are having. The world sees zero-tolerance as something aggressive, but Miami Beach can show everyone what zero-tolerance means. It should be compliance-driven; people should be educated and given a chance to correct the issue, but if they ignore the order then there will be an arrest. The point is to get people to comply, not arrest. He suggested changing the verbiage to “assertive, compliance-driven, zero-tolerance enforcement.”

Commissioner Samuelian accepted the amendment.

Amendment 2: Change the verbiage to “assertive, compliance-driven, zero-tolerance enforcement.”

Commissioner Fernandez stated that he wants to make sure, otherwise, he does not want someone arrested for a boombox or open container because they did not know the rules. He does not want to deflate staff.

Glendon Hall, Chair of the Black Affairs Advisory Committee, stated that they had an LTC sent out regarding this issue. He believes zero-tolerance is a loaded phrase and it means different things to different people. He brought it up because he was sending posts that he saw on social media to Commissioner Meiner, and he saw it means different things to different people. Typically, it is negative and means no engagement, just arrests. There is a racist history that they need to get past and do not want to go back.

Vice-Mayor Richardson stated that in the past there were certain places he was not able to eat at. He is also trying to get over the past. He is comfortable moving forward and asked the others what he thinks.

Commissioner Fernandez stated that he is only 35 years old and was denied a professional opportunity because of who he is. Even young people his age have experienced that. Miami Beach has proven to be a leader and redefine terms. They have an opportunity to set an example of what the meaning of zero-tolerance is. They can help other communities because Miami Beach is a progressive City.

Vice-Mayor Richardson stated that he would like to see either say consistent, assertive enforcement; or consistent, assertive, zero-tolerance enforcement. He would be comfortable with either option but what they do should be compliance-driven.

Commissioner Samuelian prefers option number two.

Commissioner Meiner stated that they have seen around the country Police told to stand down, there is no prosecution, and judges set small bail amounts; that is not what they want for Miami Beach. He wants the laws enforced.

Commissioner Arriola stated that he does not want Miami Beach to become progressive like Portland or San Francisco. It is so bad in those cities that people are moving because the quality of life is so poor.

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The cities there have almost become ungovernable, they need to be inclusive, but enforce laws.

Glendon Hall stated that he has a concealed weapon permit and is a hunter, he is not some super liberal person. He wants law and order but does not want people to be targeted.

Mayor Gelber stated that they are policing the people's playground, other cities arrest pretty much their own residents.

Vice-Mayor Richardson stated that they will not see this Resolution again. He drafted language and asked other Commissioners if they agree.

Mayor Gelber asked Chief Clements asked his opinion.

Chief Clements stated that he likes the language.

Glendon Hall stated that he does not like zero-tolerance.

Vice-Mayor Richardson stated that they can drop zero-tolerance. They can add a new whereas clause that reads, "the City enforces its zero-tolerance policy while always trying to deescalate situations and seek a peaceful resolution to issues."

Mayor Gelber stated that he would be agreeable with it.

Commissioner Meiner stated that he would add "to the extent possible"

Vice-Mayor Richardson stated that is implicit

Approved by acclamation. Vote: 7-0.

6:54:27 p.m.

R7 E A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ENDORSING, IN CONCEPT, THE CREATION OF A PEDESTRIAN PROMENADE ON ESPANOLA WAY BETWEEN COLLINS AVENUE AND WASHINGTON AVENUE, AND DIRECTING THE CITY ADMINISTRATION TO STUDY AND PROVIDE ITS PROFESSIONAL RECOMMENDATIONS WITH RESPECT TO THE PROPOSED RECONFIGURATION AND PARTIAL CLOSURE OF THE STREET TO ONE LANE OF VEHICULAR TRAFFIC, INCLUDING THE PROPOSED DIRECTION OF TRAFFIC, RELATED MAINTENANCE OF TRAFFIC ISSUES, AND PLANNING EFFORTS FOR THE IMPLEMENTATION OF A PEDESTRIAN PROMENADE ON A PORTION OF THE STREET, WITH THE FINAL PLAN FOR THE PEDESTRIAN PROMENADE SUBJECT TO THE PRIOR APPROVAL OF THE MAYOR AND CITY COMMISSION.

Office of the City Attorney
Deferred from January 20, 2022 - R7 O
Vice-Mayor David Richardson
Co-Sponsor Commissioner Alex Fernandez

ACTION: Resolution 2022-32044 adopted. Motion made by Vice-Mayor Richardson to adopt the Resolution; seconded by Commissioner Fernandez. Voice-vote: 7-0. **Jose Gonzalez to handle.**

Vice-Mayor Richardson mentioned the cloud artwork on Espanola Way East, between Washington and Collins Avenue. (See Clerk's Note below.) There is a special challenge with that street because there is an ally, where traffic moves through. He feels that Espanola Way is a street under transition. He explained the flow of traffic in that area in the past. He thinks because of the clouds we should find a transitional way to add more pedestrian opportunities to that street. He would like to see Espanola Way East look like Espanola Way West with one lane of traffic going in one direction. He would like the Administration to decide whether it should be east to west or west to east. There would be an opportunity for widening the sidewalks and potential café space. He is asking the Administration to look for that opportunity and come back and make a recommendation.

Clerk's Note: FriendsWithYou's "Little Cloud Sky" is a public art project commissioned by The City of Miami Beach and located on Espanola Way between Washington Avenue and Collins Avenue. Little Cloud is a symbol that celebrates the relationship between humans and nature. This installation was created as a symbol of hope and peace, and to be a beacon of love and compassion. This installation, consisting of eight inflatable cloud sculptures that are approximately 7 feet each, is also accompanied by a painted mural of a cloud pattern. Launched on December 2, 2021, it will remain on view through the end of March 2022.

Mayor Gelber asked City Manager Hudak if we are doing this already.

City Manager Hudak replied that we have no issue with this and that it is consistent with the vision that Commissioner Arriola has shared in the past. We have funded the preliminary design monies and Jose Gonzalez, Transportation and Mobility Director, and his team is already working on something similar.

Commissioner Fernandez thanked Commissioner Arriola for his vision years ago on this.

Commissioner Arriola intervened saying that he is happy the present Administration is leading the way and his colleagues take it up to move it forward. The City has moved slowly with these kinds of things, which are easy to implement.

City Manager Hudak asked Jose Gonzalez to give an update.

Jose Gonzalez, Transportation and Mobility Director, explained that they have been working on a feasibility study that is looking in creating a promenade from Lincoln Road to Ocean Drive around 14th Place. Part of that study is looking at Espanola Way East. That follows the County's process for traffic flow modifications. Different scenarios are being looked at and we are prepared to go this month to the Finance and Economic Resiliency Committee with some concepts.

Vice-Mayor Richardson said that one thing that can move it along faster is if we look at the option of one lane of traffic either for the full block or half block. It would be much too complicated to do a full closure because of the ally and the need to use it. If one side of the ally was closed, we can have a larger courtyard area. He asked Mr. Gonzalez when he will have a preliminary recommendation.

Jose Gonzalez replied that they have recommendations already which will be shared with the Finance and Economic Resiliency Committee. The final report is due in the summer,

approximately in June. Depending on the feedback from the Committee, and a community meeting input, the Transportation and Mobility Department will refine the concepts and come back with the final recommendation this summer.

7:06:07 p.m.

R7 F A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING RESOLUTION NO. 94-21382 CONCERNING COMMISSION COMMITTEES, AS SUBSEQUENTLY AMENDED BY RESOLUTION NOS. 97-22607, 98-22693, 2003-25446, 2013-28437, 2015-28905, 2015-28962, AND 2019- 31107, BY PROVIDING FOR: (1) INITIAL COMMITTEE ASSIGNMENTS TO BE MADE WITHIN ONE MONTH FOLLOWING THE CERTIFICATION OF THE ELECTION RESULTS, (2) AN ANNUAL ROTATION OF COMMITTEE ASSIGNMENTS TO ENSURE THAT EACH MEMBER SERVES ON EVERY COMMITTEE DURING THE COURSE OF THEIR FOUR (4) YEAR TERM AND (3) EACH COMMITTEE TO ANNUALLY SELECT THEIR OWN CHAIR.

Office of the City Attorney
Deferred from January 20, 2022 - R7 W
Commissioner Kristen Rosen Gonzalez

ACTION: Item not adopted.

Commissioner Rosen Gonzalez stated that the Mayor should select Commission Committee appointees within 30 days of getting elected, that way there is no backlog. Also, this Item includes a section related to Committee Leadership, each Committee would rotate, so Commissioners can serve on every Committee at some point, and the Committees can choose their Chair.

Mayor Gelber stated that this would be a major change for the way it has been done, it is every member's right to decide if they do not want to do it that way, but he opposes this Item.

Vice-Mayor Richardson stated that he will not support this; he agrees that the Mayor is called the Mayor, as opposed to Commissioner #7, because it comes with different responsibilities. He thinks that is the prerogative of the Mayor, and these Committees change over time. Putting this into a Resolution or Ordinance can cause issues if there is a name or structural change.

Motion made by Commissioner Rosen Gonzalez to approve the Resolution.

No second offered.

Item not adopted.

Handouts or Reference Materials

1. Miami Beach United Resolutions For Commission Meeting of February 9, 2022 – R7 F Supports.

7:08:09 p.m.

R7 G1 REAPPOINTMENT OF CHIEF SPECIAL MAGISTRATE A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE CITY MANAGER, PURSUANT TO SECTION 30-36 OF THE CODE OF THE CITY OF MIAMI BEACH, CONCERNING THE REAPPOINTMENT OF ENRIQUE ZAMORA, ESQ., TO SERVE AS CHIEF SPECIAL MAGISTRATE, FOR A TERM COMMENCING ON FEBRUARY 24, 2022 AND ENDING ON MAY 23, 2022; PROVIDED FURTHER THAT CHIEF SPECIAL MAGISTRATE ZAMORA

SHALL BE AUTHORIZED TO HOLD HEARINGS AND IMPOSE FINES, LIENS, AND OTHER NON-CRIMINAL PENALTIES AGAINST VIOLATORS OF THE CITY AND COUNTY CODES AND ORDINANCES, AND SHALL ALSO BE AUTHORIZED TO APPOINT SUCH OTHER SPECIAL MAGISTRATES AS MAY REASONABLY BE REQUIRED TO CONDUCT THE SUBJECT HEARINGS; AND FURTHER INCORPORATING ALL OTHER MATTERS SET FORTH WITHIN CHAPTER 30 OF THE CITY CODE, INCLUDING, WITHOUT LIMITATION, SECTIONS 30-37 AND 30- 38 THEREOF, CONCERNING THE COMPENSATION AND DUTIES OF THE CHIEF SPECIAL MAGISTRATE.

ACTION: Resolution 2022-32045 adopted. The Resolution was approved by acclamation. Vote: 7-0. **Rafael E. Granado to handle.**

REFERRAL:

Referral to Neighborhood and Quality of Life Committee to look at the Special Magistrate system. **Mark Taxis to place on the Committee agenda.** Matters to consider at the Neighborhood and Quality of Life Committee:

- Joseph M. Centorino, Inspector General, to be present at the Neighborhood and Quality of Life Committee meeting and provide feedback on what other cities do, and what processes they can do to improve the Special Magistrate system.
- Commissioner Meiner to work with staff to have a better understanding of the Special Magistrate system before the Neighborhood and Quality of Life Committee meeting. Rafael E. Granado, Hernan Cardeno, and Office of the City Attorney to handle.

Commissioner Meiner stated that he had questions about how the cases are moving through, the process, and brought an Item up about a year ago to expedite cases that had public safety components to them. He and Vice-Mayor Richardson discussed at a meeting, that as a Body they appoint the Chief Special Magistrate, and he or she appoints the other Special Magistrates. He could support the way they appoint now or change, and the Commission could appoint the other two Special Magistrates. He is keeping an eye on this, there is concern from residents and himself how cases are being disposed of.

Vice-Mayor Richardson stated that he remembers this issue. He asked the City Attorney if the Commission has always operated by only appointing the Chief.

Rafael A. Paz, City Attorney, replied "yes."

Vice-Mayor Richardson asked what other cities do. Another way they could do this is by appointing the Chief, and he/she appoints the other two, but the two selected must be approved by the Commission.

City Attorney Paz stated that this is policy determination, if the Commission wants to, they can make an amendment to City Code and change the process of how they appoint the Special Magistrate. They need to vote on this Item, it is for the re-appointment of the Chief Special Magistrate. He recommended that they approved this Item and if someone wants to sponsor an Ordinance amendment so they can provide ratification of the appointment of the Special Magistrates they can bring that to the next meeting.

Approval of the Resolutions moved by Vice-Mayor Richardson.

Commissioner Fernandez stated that they do have a good Chief Special Magistrate, and he has

served the City for a long time and has been an honorable public servant. He does have big concerns about the Special Magistrate system in general. He does not feel that the community is being served well by it. There are bad actors and bad businesses because they can get away with it. These people or businesses receive a violation, and it goes to Special Magistrate, they get an extension after extension, and fines are mitigated to almost nothing. It is a disrespect to the residents; they are paying for these cases to be heard with no justice served. There needs to be reform, but they should not politicize this either. Right now, the system is failing their community.

Commissioner Samuelian stated that they need to decide to keep someone in place. What Commissioner Fernandez said, seems like something they must do. He has been a Commissioner for several years, and he has never done deep research into the Special Magistrate system. He sees no harm in having the conversation. They might just move it to Committee for an overview of the system and possible reform.

Mayor Gelber recommended that if they want to do add a referral to the Neighborhood and Quality of Life Committee to look at the process.

City Attorney Paz stated that they can do that.

Commissioner Fernandez suggested that the Inspector General provide feedback on what other cities do, and what processes they can do to improve the system. He requested that the Inspector General be present at the Neighborhood and Quality of Life Committee. **Joseph M. Centorino to handle.**

Mayor Gelber stated that Commissioner Meiner or somebody should learn and talk to people involved so when he goes to the Committee Meeting, he already knows more about the process, so it is not four hours of learning but four hours about how to solve the problem. He suggested that Alina T. Hudak, City Manager could give recommendations; Code Compliance probably has a specific view of how these issues could be resolved.

Commissioner Meiner stated that before Commissioner Fernandez was elected, they spoke a lot about this issue, and now they are talking about it on the dais. The system is an issue, and they need to deal with it. He is uncomfortable politicizing this, but something needs to change. He asked for a database to see the synopsis of Special Magistrate cases and how the cases are disposed of. This is a new tool, but somehow it does not seem to be implemented in terms of the policy. He hates to pick on one case, but there was a resident that reached out to him about a case that was dismissed, and Steve Rothstein, Deputy City Attorney, looked at the case, and the defense evidence was weak. The evidence was based on testimony with no factual background, and it was accepted. The system is impacting their quality of life. He does not have confidence that they will be able to implement the 2:00 a.m. alcohol cutoff either. They implement a rule and are overturned by the Court, they issue a violation, and they are overturned by the Special Magistrate.

Mayor Gelber stated that he added a referral; he asked that the record show the Resolutions approved without objection. This was another 30-minute discussion with a unanimous vote.

R7 G2 A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND REAPPOINTING, PURSUANT TO SECTION 102-356 OF THE CITY CODE, ENRIQUE ZAMORA, ESQ. (CHIEF SPECIAL MAGISTRATE REAPPOINTED PURSUANT TO RESOLUTION NO. 2022-32045), AS THE CITY MANAGER'S "DESIGNEE" UNDER SECTION 102-356 OF THE CITY CODE; SAID DESIGNATION COMMENCING WITH ZAMORA'S TERM AS CHIEF SPECIAL MAGISTRATE ON FEBRUARY 24, 2022 AND ENDING ON MAY 23, 2022.

Office of the City Clerk

ACTION: Resolution 2022-32046 adopted. The Resolution was approved by acclamation. Vote: 7-0.
Rafael E. Granado to handle.

See discussion under Item R7 G1.

R7 H A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE CITY MANAGER, PURSUANT TO REQUEST FOR PROPOSALS (RFP) 2021-173-KB FOR MIXED-USE DEVELOPMENTS INCORPORATING CLASS A OFFICE SPACE ON CITY-OWNED PARKING LOTS P25, P26, P27, AND PARKING GARAGE G5.

Economic Development/Procurement
Commissioner Ricky Arriola

ACTION: Item deferred to the February 23, 2022, Special Commission Meeting. Lilia Cardillo to place on the Commission Agenda, if received. **Rickelle Williams and Alex Denis to handle.**

5:02:52 p.m.

R7 I A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING THE CITY OF MIAMI BEACH MANAGEMENT POLICY FOR INTERNAL CONTROLS ON MAJOR CONSTRUCTION PROJECTS, AS DEVELOPED JOINTLY BY THE CITY ADMINISTRATION AND OFFICE OF THE INSPECTOR GENERAL, AND ATTACHED HERETO AS AN EXHIBIT TO THIS RESOLUTION.

Office of Inspector General/Office of the City Manager
Supplemental updated on 2/7/2022
(Memorandum and Exhibit A)

ACTION: Resolution 2022-32047 adopted. Motion made by Commissioner Samuelian to adopt the Resolution; seconded by Mayor Gelber. Vote: 7-0. **David Martinez, Joe L. Gomez, Maria Hernandez, Alex Denis, and Joseph M. Centorino to handle.**

See Item R5 I.

Commissioner Samuelian stated that this Item is the content behind what was heard under Item R5 I. Motion made by Commissioner Samuelian to adopt the Resolution

Seconded by Mayor Gelber.

The Item approved by acclamation: Vote: 7-0.

7:21:10 p.m.

R7 J A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, RE-AFFIRMING THE CITY'S ONGOING COMMITMENT TO CULTIVATING AN INCLUSIVE, SAFE, AND JUST SOCIETY AND CULTURE; DENOUNCING ANTISEMITISM, WHITE SUPREMACY, HATEFUL SPEECH, EXTREMIST CONSPIRACY THEORIES, AND

DISINFORMATION; COMMITTING TO FOSTERING AN ENVIRONMENT WITHIN THE CITY THAT DOES NOT TOLERATE WHITE SUPREMACIST, RACIST, ANTISEMITIC, AND OTHER HATEFUL SPEECH AND ACTIONS; AND ALLOCATING A TOTAL OF \$50,000 TO FUND A DIVERSITY INITIATIVE ENTITLED "COMBATING THE RISE OF ANTISEMITISM TODAY," DETAILS OF WHICH ARE SET FORTH IN THE ATTACHED EXHIBIT "A" TO THIS RESOLUTION.

Office of the City Attorney
Commissioner Kristen Rosen Gonzalez
Supplemental updated on 2/8/2022
(Additional Information)

ACTION: Resolution 2022-32048 adopted as amended. Motion made by Commissioner Rosen Gonzalez to adopt the Resolution as amended; seconded by Commissioner Meiner. Voice-vote: 4-3. Against: Mayor Gelber, Vice-Mayor Richardson, and Commissioner Arriola. **Dr. Leslie Rosenfeld to handle.**

AMENDMENT:

The total funds requested is \$50,000.

Commissioner Rosen Gonzalez stated that this Item is a response to the dissemination of anti-Semitic literature that occurred a few weeks ago. She drafted a Resolution denouncing what happened because we need to speak up against hatred. She Spoke to Miriam Klein, a child Holocaust survivor, who has an educational program with the Anti-Defamation League, the National Holocaust Memorial, and the Miami Beach Holocaust Memorial. This educational program could be implemented in Miami-Dade public schools and the University of Miami. We should be more proactive. This program could work in collaboration with the Colony Theater and perhaps there could be dramatic educational programs to better inform the public of anti-Semitism. There could be a larger initiative, but she hopes there could be something impactful for every student in the City of Miami Beach. It is not enough to denounce hate, action is necessary.

Vice-Mayor Richardson stated that he likes the intent and initiative of the Item, but he does not like that it is not going through the proper channels of the Finance and Economic Resiliency Committee. He wants to be consistent and have similar Items go through the same process. He assumes this is a 501(c)(3) organization; it should go through the proper channels so that it can be properly vetted and see what is best for all parties.

Mayor Gelber stated that his opinions are like those of the Vice-Mayor but slightly different. The reason he wants the Item to go to the Finance and Economic Resiliency Committee is that this City has a Parks Department and a Holocaust Memorial just 100 yards away. He would like to have the Parks Department in charge of this. The Item before the City Commission sends money to the University of Miami with the hope that they will do something with its partners. This City should consult the Holocaust Memorial and see what they recommend first.

Commissioner Rosen Gonzalez interjected and stated that she does not believe she has had fair opportunities to speak today. This program focuses on Miami Beach and will provide every single teacher training by a professional. This is the best program out there. Ms. Klein's organization has a proven history and she has been doing this for 25 years. There are no other local programs as comprehensive as Ms. Klein's program.

Commissioner Arriola stated that he and Vice-Mayor Richardson strongly believe in the process of

vetting these types of programs, and we should get in the habit of adhering to them. What happened is horrific and we must denounce and condemn it. The perpetrators must be found and brought to justice. He does not believe the response should be to implement an educational program. Two things are going on, one is to denounce what happened, and the other is to find out who did this. There cannot be educational programs implemented to the tune of \$50,000 - \$100,000 whenever a Commissioner wants it and selects the person who will be running the program. This has not been vetted. It should be considered by the Finance and Economic Resiliency Committee. He is not even sure if the school system is already providing a program regarding sensitivity and education on matters of history.

Vice-Mayor Richardson stated that the more explanations he hears about this program, the more concerned he grows. We have a Holocaust Memorial institution literally across the park from City Hall and we are not even consulting them on this. Why would the City Commission not even reach out to them and get their opinion? He is not suggesting Commissioner Rosen Gonzalez is looking to promote her friend for this project, but it could open the door in the future for that to happen. The School Board could already be doing anti-defamation programs as Commissioner Arriola stated, we just do not know, because we have not vetted this out yet. He denounces the anti-Semitic actions that took place, but the Item needs to be referred to the Finance and Economic Resiliency Committee.

Mayor Gelber stated that he called the Holocaust Memorial and they said they did not know of this request by Commissioner Rosen Gonzalez. He wants to do something but does not want to do just anything. He would like to know whether this is the best program. He would prefer if this Item were first referred to the Finance and Economic Resiliency Committee.

Commissioner Rosen Gonzalez stated that this Body approved \$25,000 for a model volleyball tournament without question. She believes this program is timely and important and as such she is willing to cut her funding request to \$50,000. Miriam Klein is the Director of the Holocaust Educational Institute at the University of Miami; she is not her friend but a known professional in South Florida. How could the City Commission justify approving \$25,000 for a volleyball tournament, but not her request?

Vice-Mayor Richardson appreciates Commissioner Rosen Gonzalez's comment about the volleyball tournament funding, but that is comparing apples to oranges. A volleyball tournament is an event that will occur in the City to benefit the community and is time-sensitive. That was the reason it was rushed. In addition, the \$25,000 was not an expenditure but rather a waiver of fees. He appreciates the fact that the Commissioner halved the ask for her Item, but he still wants this vetted at the Finance and Economic Resiliency Committee.

Commissioner Rosen Gonzalez stated that this is extremely subjective. If this were someone else's Item it would have been approved unanimously.

Vice-Mayor Richardson motioned to amend the Item to ask \$50,000 and refer to the Finance and Economic Resiliency Committee; seconded by Commissioner Arriola.

Commissioner Rosen Gonzalez asked to hear from her other colleagues before the Item goes to a vote.

Commissioner Meiner stated that he appreciates this Item a lot. These anti-Semitic attacks are truly dangerous, and it is sad to see that people generally know who distributed these flyers, and even more surprising is that perhaps no crime was committed besides littering, but he will not elaborate on that further. He does not believe there is enough support for this Item today. If Commissioner Rosen Gonzalez could find three votes in favor, he will be the fourth. He does see both sides of the argument.

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and believes the Vice-Mayor has a point in referring to these types of Items first.

Mayor Gelber stated that he believes everyone on the City Commission wants to do something about the anti-Semitic act that took place, but they prefer to discuss it first and see if there is a better product.

Vice-Mayor Richardson clarified that his amendment to the Item is to denounce anti-Semitism tonight. The funding piece is where he would like a further discussion.

Mayor Gelber asked for a vote to get this underway.

Commissioner Meiner stated that he has no qualm referring the Item to the Finance and Economic Resiliency Committee. He believes this is a great Item, but he sees both arguments.

Commissioner Fernandez stated that he understands Commissioner Meiner's position, he too does not like to handpick eventers, but he will do it this one time. This is a sensitive matter and timely. We need to send a message to the world.

Commissioner Samuelian stated that this is a great discussion and he appreciates the role of process, but this Item is incredibly timely for our community. We have a path forward, let us do something about it now. He will support the Item this evening.

Commissioner Arriola interjected why not go to the Holocaust Memorial and get their opinion? This is the best institution around for something like this. He objects that he does not know the person who is running this project who was only proposed by Commissioner Rosen Gonzalez without consultation. This project should have been headed by one of the greatest institutions in our city – The Holocaust Memorial.

Discussion held.

City Manager Hudak clarified that the total request is no longer \$100,000 but \$50,000.

Vice-Mayor Richardson stated that the Holocaust Memorial is investing millions of dollars in our community. He does not understand why the City Commission did not reach out to them. This sends a bad message.

Motion made by Commissioner Rosen Gonzalez to adopt the Resolution as amended; seconded by Commissioner Meiner. Voice-vote: 4-3. Against: Mayor Gelber, Vice-Mayor Richardson, and Commissioner Arriola. **AMENDMENT:** The total funds requested is \$50,000.

7:45:29 p.m.

R7 K A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF MIAMI BEACH, FLORIDA, ENDORSING, IN CONCEPT, THE CREATION OF A LUMMUS PARK CONSERVANCY, INCLUDING THE ESTABLISHMENT OF A LUMMUS PARK CONSERVANCY ADVISORY BOARD AND CONSERVANCY FUND, FOR THE BENEFIT OF CONSERVATION, MAINTENANCE, AND PROGRAMMING FOR LUMMUS PARK.

Office of the City Attorney
Commissioner Kristen Rosen Gonzalez

ACTION: Item referred to the Neighborhood and Quality of Life Committee by acclamation. **Mark Taxis**

to place on Committee Agenda. John Rebar and Office of the City Attorney to handle.

REFERRAL:

The Item was referred to the Neighborhood and Quality of Life Committee as a generic referral to explore conservancy ideas. **Mark Taxis to place on Committee Agenda. John Rebar and Office of the City Attorney to handle.**

Commissioner Rosen Gonzalez introduced the Item that is seeking to create a conservancy akin to the one in Central Park, New York. This would allow for fundraising for Lummus Park. There are different groups with different visions for Lummus Park and this would allow them to all have a voice in the park's future. This is a preliminary step and needs to be developed more, but she considers Lummus Park as Miami Beach's Central Park. She cannot think of a more iconic park in Miami Beach.

Mayor Gelber asked his colleagues for their thoughts.

Vice-Mayor Richardson stated that he is unsure whether this is a good idea. It all depends on how it is structured. There could be a Board appointed by the City Commission that would have access to spend the funds collected for the park. Could such a Board function transparently? This is something that needs to be discussed further before any action can take place.

Mayor Gelber suggested an amendment. Conservancies will have the City lose power over the property. Currently, Miami Beach is in the middle of making changes to Lummus Park and Ocean Drive. If one looks at the Zyscovich work, it appears it creates a seamless park promenade essentially off Ocean Drive. There will be no more grades, it will all be on the same level. He believes Oceanside Park may be a better fit for a conservancy. In addition, he believes Flamingo Park is Miami Beach's Central Park.

Commissioner Rosen Gonzalez stated that she wanted to start thinking of park conservancies and her first thought was Lummus Park. She does understand that there is a program set for that area, and perhaps it may not be the best fit at the time.

Mayor Gelber stated that he is willing to explore conservancies, but the City would be in a tough spot having a conservancy in Lummus Park in addition to the City's new plans for the area. He supports a referral to the Neighborhood and Quality of Life Committee.

Commissioner Rosen Gonzalez agreed to refer to the Neighborhood and Quality of Life Committee.

Vice-Mayor Richardson asked whether this is limited to parks, perhaps there could be a Friends of the Byron Carlyle to help raise funds for it.

Mayor Gelber stated that he does not see Lummus Park as a conservancy, and asked Commissioner Rosen Gonzalez to make a generic referral to the Neighborhood and Quality of Life Committee to explore conservancy ideas.

Commissioner Rosen Gonzalez agreed.

7:56:18 p.m.

R7 L A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF MIAMI BEACH, FLORIDA, RECOGNIZING THE GROWING PROBLEM OF ANTISEMITISM IN THE UNITED STATES, AND URGING THE FLORIDA EDUCATION ASSOCIATION TO ADOPT THE INTERNATIONAL HOLOCAUST REMEMBRANCE ALLIANCE'S WORKING DEFINITION OF ANTISEMITISM AS AN IMPORTANT EDUCATIONAL TOOL FOR PROMOTING TOLERANCE AND DIVERSITY IN FLORIDA SCHOOLS.

Office of the City Attorney
Commissioner Alex Fernandez

ACTION: Resolution was withdrawn. Motion made by Commissioner Alex Fernandez to adopt the Resolution; seconded by Commissioner Arriola.

Commissioner Steven Meiner said he prepared a memorandum on May 12, 2021, outlining reasons he would vote no on certain issues that are not Miami Beach-related. He feels like this Item falls into that category.

Commissioner Fernandez announced was withdrawing the Item.

10:36:57 p.m.

R7 M A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, STRONGLY OPPOSING SENATE BILL 1834 AND HOUSE BILL 1557, BOTH OF WHICH SEEK TO PROHIBIT SCHOOL DISTRICTS FROM ENCOURAGING CLASSROOM DISCUSSIONS ABOUT SEXUAL ORIENTATION OR GENDER IDENTITY IN FLORIDA SCHOOLS; AND DIRECTING THE CITY CLERK TO SEND A COPY OF THIS RESOLUTION TO THE SPEAKER OF THE FLORIDA HOUSE OF REPRESENTATIVES, AND THE PRESIDENT OF THE FLORIDA SENATE.

Office of the City Attorney
Commissioner Alex Fernandez

ACTION: Resolution 2022-32049 adopted. Motion made by Commissioner Fernandez to adopt the Resolution; seconded by Vice-Mayor Richardson. Voice-vote: 6-1. Opposed by Commissioner Meiner. **Judy Hoanshelt and Marcia Monserrat to handle.**

Commissioner Steven Meiner stated that this is an issue that can never be legislated or regulated by the City. He will vote "no" as outlined in his May 12, 2021 memorandum.

Vice-Mayor David Richardson said it is an Item we can act on in the City. For instance, if a private school that gets voucher funding decides to adopt a policy like the Senate bill, funding could be withdrawn.

Mayor Dan Gelber stated that this Item is not about funding.

Motion made by Commissioner Fernandez to adopt the Resolution; seconded by Vice-Mayor Richardson. Voice-vote: 6-1. Opposed by Commissioner Meiner.

10:41:07 p.m.

R7 N A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, RE-AFFIRMING THE POLICY DIRECTION ADOPTED IN RESOLUTION NO. 2020-31474 TO ALLOW THE CITY'S ADVISORY BOARDS AND COMMITTEES TO CONTINUE TO MEET VIRTUALLY; AND FURTHER, IN ADDITION TO VIRTUAL AND IN-PERSON INDOOR MEETINGS, AUTHORIZING THE CITY'S ADVISORY BOARDS AND COMMITTEES TO CONDUCT IN-PERSON MEETINGS IN CITY-OWNED OUTDOOR FACILITIES, PROVIDED THAT ANY SUCH OUTDOOR MEETINGS ARE COORDINATED WITH CITY STAFF IN ACCORDANCE WITH FLORIDA LAW.

Office of the City Attorney
Commissioner Alex Fernandez

ACTION: Resolution 2022-32050 adopted. Motion made by Commissioner Fernandez to adopt the Resolution; seconded by Commissioner Rosen Gonzalez. Vote: 7-0. **Rafael E. Granado to handle.**

Commissioner Fernandez introduced the Item. He stated the City already allows board and committee members to meet virtually. Some boards and committees are meeting in person others are not. He knows that some of the boards and committees that are not meeting in person might feel more comfortable if the meetings were held in an outdoor venue. This Resolution states that if board or committee members want to meet in an outdoor venue that the City has, like Pride Park or one of the other City parks, the Administration would make those venues available.

Mayor Gelber asked if the Administration had an issue with this or an opinion.

No issues were voiced.

Motion made by Commissioner Fernandez to adopt the Resolution; seconded by Commissioner Rosen Gonzalez. Vote: 7-0.

Handouts or Reference Materials

1. Miami Beach United Resolutions For Commission Meeting of February 9, 2022 – R7 N Supports.

10:41:47 a.m.

R7 O A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ESTABLISHING A RESTRICTED "NORTH BEACH HISTORIC PRESERVATION FUND" TO BE USED TO SUPPORT THE RENOVATION OF CONTRIBUTING HISTORIC BUILDINGS LOCATED IN LOCAL HISTORIC DISTRICTS WITHIN NORTH BEACH, AND DEDICATING ALL MONIES COLLECTED BY THE CITY IN CONNECTION WITH THE PENDING SPECIAL MAGISTRATE CASES FOR CODE VIOLATIONS ISSUED TO THE PROPERTY LOCATED AT 6701 COLLINS AVENUE, MIAMI BEACH, FLORIDA (A/K/A THE DEAUVILLE BEACH RESORT), TO THE NORTH BEACH HISTORIC PRESERVATION FUND.

Office of the City Attorney
Commissioner Alex Fernandez

ACTION: Referred to Neighborhood and Quality of Life Committee by acclamation. **Mark Taxis to place on Committee agenda. Thomas Mooney, Deborah Tackett, and John Woodruff.**

REFERRAL:

The Item was referred to the Neighborhood and Quality of Life Committee.

Commissioner Fernandez stated that there is a pending Special Magistrate case resulting from the outstanding fines associated with the neglect of the Deauville Hotel that has accumulated over \$2.5 million. When the fines are collected, this legislation intends to promote the interest of historic preservation or contributing buildings in North Beach, and hopefully, it mitigates some of the damage resulting from “demolition by neglect.”

Mayor Dan Gelber asked where the funds would be allocated.

Commissioner Fernandez said funds could be used to support the renovation of contributing historic buildings in districts within North Beach.

Commissioner Meiner stated it was an interesting idea, but he is generally not a fan of allocating funds for a specific purpose such as in this case. He asked if the program funds cap at some point. Does the City need \$10million for this?

Commissioner Fernandez agreed that this topic should be vetted out more, and suggested the Item be referred to the Neighborhood and Quality of Life Committee.

Vice-Mayor David Richardson asked if it can also be considered for legal fees to be offset.

10:47:02 a.m.

R7 P A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING RESOLUTION NO. 94-21382 CONCERNING COMMISSION COMMITTEES, AS SUBSEQUENTLY AMENDED BY RESOLUTION NOS. 97-22607, 98-22693, 2003-25446, 2013-28437, 2015-28905, 2015-28962, AND 2019-31107, IN ORDER TO RENAME THE "NEIGHBORHOOD AND QUALITY OF LIFE COMMITTEE" TO THE "PUBLIC SAFETY AND NEIGHBORHOOD QUALITY OF LIFE COMMITTEE."

Office of the City Attorney
Commissioner Steven Meiner

ACTION: Resolution 2022-32051 adopted as amended by acclamation. Vote: 7-0. Rafael E. Granado to handle.

AMENDMENT:

The Neighborhood and Quality of Life Committee will be renamed the “Public Safety and Neighborhood Quality of Life Committee.

Commissioner Rosen Gonzalez stated that he likes the word “Neighborhood” in the Committee name. She asked whether the Commissioner would accept “Public Safety, Neighborhood, and Quality of Life Committee?”

Commissioner Meiner explained that he is looking to change the Neighborhood name because public safety is half the items.

Commissioner Rosen Gonzalez proposed the name “Public Safety and Neighborhoods.”

Vice-Mayor Richardson agreed with Commissioner Rosen Gonzalez, he too would like to keep the Neighborhood name on the Committee. He proposed the “Neighborhood, Quality of Life, and Public Safety Committee,” starting with the word Neighborhood.

Commissioner Rosen Gonzalez proposed the “Neighborhood and Public Safety Committee” or “Public Safety and Neighborhood Committee.”

Commissioner Arriola agreed with Commissioner Rosen Gonzalez, he likes the name Neighborhood in the Committee’s name and believes the public has gotten used to it.

Mayor Gelber asked Commissioner Meiner, the Chair of the Committee, what he would like to do. His colleagues seem to suggest keeping the Neighborhood name.

Commissioner Meiner stated that the “Public Safety and Neighborhood Committee” is an option.

Mayor Gelber asked if there were any objections to this name.

Commissioner Fernandez stated that there are quality of life issues that do not have to do with public safety such as sanitation or noise issues. We should not forget about quality of life.

Mayor Gelber proposed the “Public Safety and Neighborhood Quality of Life Committee.”

Vice-Mayor Richardson proposed the “Neighborhood Quality of Life and Safety and XYZ Committee.”

Mayor Gelber asked Commissioner Meiner whether he approved of the name “Public Safety and Neighborhood Quality of Life Committee.

Commissioner Meiner replied that he does approve of the name.

R9 - NEW BUSINESS AND COMMISSION REQUESTS

10:51:00 P.M.

R9 A: BOARD AND COMMITTEE APPOINTMENTS.

Office of the City Clerk

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

AD HOC NEIGHBORHOOD RESILIENCY PROJECTS ADVISORY COMMITTEE:

Galen Treuer	TE: 10/31/22	TL: 10/31/22	Appointed by Mayor Gelber
Mendy Fellig			Resigned

AD HOC NORTH BEACH CRA ADVISORY COMMITTEE:

Ronald Issenberg	TE: 1/31/2023	TL: 1/31/2023	Appointed by City Commission
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AFFORDABLE HOUSING ADVISORY COMMITTEE:

Jean Marie Echemendia	TE: 12/31/22	TL: 12/31/27	Appointed by City Commission
Shahrazad Emami	TE: 12/31/22	TL: 12/31/27	Appointed by City Commission

(Note: Mr. Emani declined the appointment.)

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BUDGET ADVISORY COMMITTEE:

John Bowes		Term Ended
Honey Bernstein	TE: 12/31/23 TL: 12/31/29	Appointed by Vice-Mayor Richardson

COMMITTEE FOR QUALITY EDUCATION IN MIAMI BEACH:

Beverly Heller	TE: 12/31/23 TL: 12/31/27	Reappointed by Commissioner Meiner
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DISABILITY ACCESS COMMITTEE:

Sabrina Cohen	TE: 12/31/23 TL: 12/31/27	Reappointed by Vice-Mayor Richardson
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HEALTH ADVISORY COMMITTEE:

Daniel Nobel	TE: 12/31/22 TL: 12/31/22	Reappointed by City Commission
Jorge Linares		Ex-Officio Fire Department

HISPANIC AFFAIRS COMMITTEE:

Angel Triana	TE: 12/31/23 TL: 12/31/27	Reappointed by Vice-Mayor Richardson
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HISTORIC PRESERVATION BOARD:

Ricardo Lopez	TE: 12/31/23 TL: 12/31/23	Reappointed by City Commission
Katie Phang		Resigned

LGBTQIA+ ADVISORY COMMITTEE:

Daniel Diaz	TE: 12/31/23 TL: 12/31/27	Reappointed by Commissioner Meiner
Paul Thomas	TE: 12/31/23 TL: 12/31/26	Reappointed by Commissioner Meiner
Edward Kring	TE: 12/31/23 TL: 12/31/28	Reappointed by Vice-Mayor Richardson
Laurence Moser	TE: 12/31/23 TL: 12/31/29	Appointed by Vice-Mayor Richardson

MARINE AND WATERFRONT PROTECTION AUTHORITY:

Jack Benveniste	TE: 12/31/23 TL: 12/31/26	Reappointed by Commissioner Meiner
Lourdes Oroza	TE: 12/31/23 TL: 12/31/23	Reappointed by Commissioner Meiner
Ronald Issenberg	TE: 12/31/23 TL: 12/31/26	Reappointed by Vice-Mayor Richardson

MIAMI BEACH COMMISSION FOR WOMEN:

Jill Shockett	TE: 12/31/22 TL: 12/31/22	Reappointed by Commissioner Meiner
Sandra Martin	TE: 12/31/23 TL: 12/31/27	Reappointed by Vice-Mayor Richardson
Melissa Beattie	TE: 12/31/23 TL: 12/31/29	Appointed by Commissioner Samuelian
Josephine Manning	TE: 12/31/23 TL: 12/31/29	Appointed by Commissioner Fernandez
Jane Castro		Term Ended

NEXT GENERATION COUNCIL:

Cameron McLain	TE: 12/31/22 TL: 12/31/2	Reappointed by Commissioner Meiner
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PARKS AND RECREATIONAL FACILITIES BOARD:

David Siegel	TE: 12/31/23 TL: 12/31/27	Appointed by City Commission
Stephanie Rosen		Term Ended

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POLICE/CITIZENS RELATIONS COMMITTEE:

Moshe Rothman	TE: 12/31/23	TL: 12/31/27	Reappointed by Commissioner Meiner
Rafael Velasquez	TE: 12/31/23	TL: 12/31/27	Reappointed by Commissioner Meiner
Lisa Cole	TE: 12/31/22	TL: 12/31/29	Appointed by Commissioner Rosen Gonzalez

SENIOR AFFAIRS COMMITTEE:

Natacha Fernandez	TE: 12/31/23	TL: 12/31/23	Reappointed by City Commission
Magui Benitez	TE: 12/31/23	TL: 12/31/26	Reappointed by City Commission
Gladys Navarro	TE: 12/31/23	TL: 12/31/27	Appointed by City Commission
Yliana Gonzalez			Term Ended

SUSTAINABILITY COMMITTEE:

Jason Koslowe	TE: 12/31/23	TL: 12/31/27	Reappointed by Commissioner Meiner
Santiago Rodriguez Tarditi			Resigned

TRANSPORTATION, PARKING & BICYCLE-PEDESTRIAN FACILITIES COMMITTEE:

Amy Rabin	TE: 12/31/23	TL: 12/31/27	Reappointed by Commissioner Meiner
Marc Edelstein	TE: 12/31/23	TL: 12/31/23	Reappointed by Vice-Mayor
Richardson			

TE: Term Ending
TL: Term Limit

10:51:00 P.M.

R9 B BOARD AND COMMITTEE APPOINTMENTS - CITY COMMISSION APPOINTMENTS.

Office of the City Clerk

ACTION: The following At-Large appointments were made:

The members listed below were appointed and/or reappointed by the City Commission:
(City Clerk's Note: Names shown in **bold** indicate the individual appointed.)

AD HOC NORTH BEACH CRA ADVISORY COMMITTEE

Ronald Issenberg, Real Estate (C)

TE: 1/31/23 TL: 1/31/23

Appointed by acclamation by the City Commission.

AFFORDABLE HOUSING ADVISORY COMMITTEE

Jean Marie Echemendia, Residential Home Building Industry (1)

TE: 12/31/22 TL: 12/31/27

Appointed by acclamation by the City Commission.

Shahrzad Emami, Not-for-Profit Provider (6)

TE: 12/31/22 TL: 12/31/27

Appointed by acclamation by the City Commission.

HEALTH ADVISORY COMMITTEE

Daniel Nobel, Corporate Level Category (7a)

TE: 12/31/22 TL: 12/31/22

Reappointed by acclamation by the City Commission.

HISTORIC PRESERVATION BOARD

Ricardo Lopez, faculty Member/School of Architecture (6)

TE: 12/31/23 TL: 12/31/23

Reappointed by acclamation by the City Commission.

PARKS AND RECREATIONAL FACILITIES BOARD

David Siegel, Golf Category

TE: 12/31/23 TL: 12/31/27

Appointed by acclamation by the City Commission.

SENIOR AFFAIRS COMMITTEE

Natacha Fernandez, Council Tower South Resident (8)

TE: 12/31/23 TL: 12/31/23

Reappointed by acclamation by the City Commission.

Magui Benitez, Federation Tower Resident (9)

TE: 12/31/23 TL: 12/31/26

Reappointed by acclamation by the City Commission.

Gladys Navarro, Council Tower North Resident (7)

TE: 12/31/23 TL: 12/31/27

Appointed by acclamation by the City Commission.

Commissioner Samuelian brought to the attention of the Commission the vacancy on the Historic Preservation Board. He asked to discuss the vacancy and try to fill the position at the February 23, 2022, Special City Commission meeting.

Mayor Gelber asked City Clerk Rafael E. Granado whether there would be enough time to publicly notice the vacancy.

City Clerk Granado stated the vacancy must be noticed for 10 days. The notice of vacancy will publish in the Neighbors Section of the Miami Herald on Sunday, February 13, 2022, so the timing is good.

Mayor Gelber approved discussing the Item on February 23, 2022.

8:38:01 a.m.

R9 C DR. STANLEY SUTNICK CITIZEN'S FORUM. (8:30 A.M./1:00 P.M.)

Office of the City Clerk

ACTION: The following individuals spoke:

Morning Sutnick

1. Mitch Novick stated that he believes the reopening on Ocean Drive has not been peaceful. The traffic and noise have disrupted his quality of life. He uses the bike's lanes. In Planning 101, you do not disrupt a traditional urban traffic grid. What they have on Miami Beach, other cities would love to have. All the disruption that occurred in recent years is an embarrassment. He believes Espanola Way should be reopened for delivery trucks to accommodate hotels on Ocean Drive. There are no residential components on that stretch between Collins and Washington. It is an easy decision in his mind. The 2:00 a.m., he applauds Commissioner Samuelian, the residents expect a 2:00 a.m. cutoff with no exceptions.
2. Tim Carr, Board Member from Bentley Bay, stated that he wanted to talk about C7 Q. It is critically important to improve the City's infrastructure. He also asked that they do not support R5 P.
3. Jack Johnson, speaking on behalf of the Flamingo Park Neighborhood Association, stated that they had a long discussion regarding the 2:00 a.m. closing issue. After that discussion, they reached unanimous approval of a Resolution supporting a 2:00 a.m. cut-off time for Washington Avenue. However, if there are any restrictions implemented on Ocean Drive and Collins Avenue, they must apply to Washington Avenue as well. He received many complaints that people would park their cars in the neighborhood and make much noise when they returned from the bars at 5:00 a.m.
4. Valerie Navarrete stated that she believes if it is not necessary to raise the parking lot on West Avenue because the pumps will control any flooding, then it means the streets do not need to be raised. She requested that they give the pumps a chance before raising roads. Also, she supports no exceptions for a 2:00 a.m. alcohol cut-off. Having so many Items for one topic is confusing, she asked the Commission to keep it simple.
5. Alicia Casanova stated that she supports C7 Q, moving forward with underground infrastructure improvements, and little to no street raising on West Avenue. She asked that they communicate with stakeholders and residents. She supports no exceptions for a 2:00 a.m. alcohol cut-off.
6. Harold Philipps stated that he is calling about Item C7 Q. Sections on West Avenue were rebuilt about 12-14 years ago, that is why the newly constructed area needs to be treated differently. There are several buildings on West Avenue that are extremely close to the street. He asked that staff be able to produce criteria and make exceptions in certain areas.
7. Robert Fetell stated that he is a 23-year-old, he grew up in Miami Beach, and he is a graduate student at the University of Pennsylvania studying flooding in Miami Beach. He is the co-founder of a Resilience Youth Network and was selected to participate in the Aspen Climate Convention. He supports Item R9 Y, to have the Inspector General review the project, and urged the

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Commission to abandon the idea of micropumps. Also, they need to replace subsurface infrastructure and work on the City's Resilience Vision for 2070.

8. Wayne Roberts stated that the proposed parking garage on 72nd Street is expensive and a bad decision. The lot could go for middle-class housing where they could provide down payments for people. There are 20 builders in the area they could call in to design it and use the rest of the money to build workforce housing in the City. They have a perfect piece of land to build this, and building a garage is not the right choice; the planning needs to be better.
9. Stacy Savett stated that she lives in the lower North Bay area of Miami Beach, she has a house and a pool. The issue she has is with the iguanas in the City. Iguanas are a nuisance and their population has grown out of control. She asked the City to step out and do something about the iguanas since they are a health and safety issue. The public and private sectors need to work together. The residents probably do not know that the City has a program in place, but the contractors need more funding to do their job probably.
10. Louis Costanzo stated that he supports what the previous caller said regarding C7 Q. Not every street is the same and the City needs to approach areas differently. He asked that the staff have flexibility.
11. Joseph Magazine urged the Commission to add on the agenda at the next meeting a detailed discussion regarding the monorail. They need to revisit this as soon as possible since the County is making decisions about it.

Mayor Gelber added that he and possibly other people wrote letters about the monorail project, and even retained experts to look at the project. He urged Mr. Magazine to get the documents.

1:02:07 p.m.

Afternoon Sutnick

1. Jean E. Martielli stated that she lives next to the future development site at 419 Michigan and respected that the City does not allow a height increase. The structure needs to synergize with the existing building. She is worried that a green wall so close to her property will kill her trees.
2. Wayne Roberts stated that Ms. Martielli is a nice lady and asked that the City work with her. Regarding legacy businesses, the Forge Steakhouse on 41st will not have the same owners, the new owner wants to create a club-like atmosphere. When he moved to Miami Beach, he rented an apartment and there were many incidents of cars and people lined up in the City causing noise and other quality-of-life issues. The residential neighborhoods need to be respected.
3. Alice Palatnick speaking on behalf of the residents at 1400 Lincoln Road, about Item C7 Q. They strongly support the Resolution presented by Commissioner Samuelian, they support moving forward as soon as possible with the underground infrastructure and new stormwater system pumps. They strongly oppose the elevation of 3.7 NAVD, especially on the narrow streets like Bay Road, Lincoln Court, and 16th Court. They have a loss of parking spaces in their neighborhood, the buildings are mostly old, and they rely upon on-street parking.

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4. Jane Krupp stated that they are talking about bettering the economy in multiple ways. When they talk about a 5:00 a.m. cutoff, they cater to the wrong crowd rather than the one they want. Artists and investors are not relocating to Miami Beach. She asked if the City wants to cater to the Carl Icahns of the world or the Kim Kardashians.

R9 D PROGRESS REPORT OF THE SOUTH BEACH COMPREHENSIVE STRATEGY.

Office of the City Clerk
Commissioner Mark Samuelian

Action: Item deferred to the March 9, 2022, Commission Meeting. Alina T. Hudak to handle.

9:23:54 a.m.

10:03:43 a.m.

R9 E REFERRAL TO THE PLANNING BOARD - AMEND CHAPTER 142 TO REPEAL EXISTING EXCEPTIONS TO THE 2:00 A.M. TERMINATION TIME FOR THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES IN THE PERFORMANCE STANDARD (PS) DISTRICTS IN THE SOUTH OF FIFTH STREET NEIGHBORHOOD.

Office of the City Attorney
Deferred from January 20, 2022 - C4 AH
Commissioner Mark Samuelian

ACTION: Item referred as amended. Heard in conjunction with related Items R5 P, R5 Q, R5 S, R5 T, R5 U, R9 F, R9 G, and C7 I. See the action with Item R5 Q. Motion made by Vice-Mayor Richardson to refer the Item to the Planning Board as amended; seconded by Commissioner Arriola. Voice-vote 7-0. **Rogelio Madan to place on the Board Agenda. Thomas Mooney to handle.**

AMENDMENT:

- Referred to the Planning Board with an amendment that the Planning Board is not limited to the plain language that is in the referral, but the members may consider the three geographic areas, South of Fifth, the Alton corridor, West Avenue corridor, and 41st Street
- The Planning Board is to come back and provide the Commission with its views on those three geographic areas.

Handouts or Reference Materials

1. Miami Beach United Resolutions For Commission Meeting of February 9, 2022 – R5 S, R9 E, R9 F, and R9 G - Supports.

9:23:59 a.m.

10:03:43 a.m.

R9 F REFERRAL TO THE PLANNING BOARD – AMEND CHAPTER 142 TO REPEAL EXISTING EXCEPTIONS TO THE 2:00 A.M. TERMINATION TIME FOR THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES IN THE CD-1 AND CD-2 DISTRICTS ALONG ALTON ROAD AND WEST AVENUE.

Office of the City Attorney
Deferred from January 20, 2022 - C4 AI
Commissioner Mark Samuelian

ACTION: Item referred as amended. Heard in conjunction with related Items R5 P, R5 Q, R5 S, R5 T, R5 U, R9 E, R9 G, and C7 I. See the action with Item R5 Q. Motion made by Vice-Mayor Richardson to refer the Item to the Planning Board as amended; seconded by Commissioner Arriola. Voice-vote 7-0. **Rogelio Madan to place on the Board Agenda. Thomas Mooney to handle.**

AMENDMENT:

- Referred to the Planning Board with an amendment that the Planning Board is not limited to the plain language that is in the referral, but the members may consider the three geographic areas, South of Fifth, the Alton corridor, West Avenue corridor, and 41st Street
- The Planning Board is to come back and provide the Commission with its views on those three geographic areas.

Handouts or Reference Materials

1. Miami Beach United Resolutions For Commission Meeting of February 9, 2022 – R5 S, R9 E, R9 F, and R9 G - Supports.

9:24:05 a.m.

10:03:43 a.m.

R9 G REFERRAL TO THE PLANNING BOARD - AMEND CHAPTER 142 TO REPEAL EXISTING EXCEPTIONS TO THE 2:00 A.M. TERMINATION TIME FOR THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES IN THE CD-1 AND CD-3 DISTRICTS ALONG THE 41ST STREET CORRIDOR.

Office of the City Attorney
Deferred from January 20, 2022 - C4 AJ
Commissioner Alex Fernandez

ACTION: Item referred as amended. Heard in conjunction with related Items R5 P, R5 Q, R5 S, R5 T, R5 U, R9 E, R9 F, and C7 I. See the action with R5 Q. Motion made by Vice-Mayor Richardson to refer the Item to the Planning Board as amended; seconded by Commissioner Arriola. Voice-vote 7-0. **Rogelio Madan to place on the Board Agenda. Thomas Mooney to handle.**

AMENDMENT:

- Referred to the Planning Board with an amendment that the Planning Board is not limited to the plain language that is in the referral, but the members may consider the three geographic areas, South of Fifth, the Alton corridor, West Avenue corridor, and 41st Street
- The Planning Board is to come back and provide the Commission with its views on those three geographic areas.

Handouts or Reference Materials

1. Miami Beach United Resolutions For Commission Meeting of February 9, 2022 – R5 S, R9 E, R9 F, and R9 G - Supports.

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R9 H DISCUSS AND, IF NECESSARY, TAKE ACTION REGARDING THE OPPORTUNITIES TO INCREASE THE CITYWIDE TREE CANOPY COVERAGE GOAL, FROM 22% BY 2040 TO 25% TREE CANOPY COVERAGE BY 2040, OR EARLIER.

Vice-Mayor David Richardson
Co-sponsored by Commissioner Rosen Gonzalez
Deferred from October 13, 2021 - R9 AF

ACTION: Item deferred to the March 9, 2022, Commission Meeting. Lilia Cardillo to place on the Commission Agenda, if received. **Omar Leon to handle**

R9 I DISCUSSION, AND IF NECESSARY, TAKE POSSIBLE ACTION ON SIGNAGE OF SAFE STREETS PILOT PROGRAM.

Vice-Mayor David Richardson
Deferred from January 20, 2022 - R9 F

ACTION: Item deferred to the March 9, 2022, Commission Meeting. Lilia Cardillo to place on the Commission Agenda, if received. **Jose Gonzalez to handle.**

R9 J DISCUSS, AND POTENTIAL ACTION ON RESILIENCY COMMUNICATIONS INCLUDING PUBLIC/PRIVATE SEAWALLS AND CAPITALIZING ON ASPEN INSTITUTE INITIATIVES.

Commissioner Mark Samuelian
Deferred from January 20, 2022 - R9 G

ACTION: Item deferred to the March 9, 2022, Commission Meeting. Amy Knowles to handle.

R9 K UPDATE ON THE STATUS OF THE INDIAN CREEK ROADWAY RECONSTRUCTION PROJECT.

Commissioner Kristen Rosen Gonzalez
Deferred from January 20, 2022 - R9 I
Co-Sponsored by Commissioners Meiner and Samuelian

ACTION: Item deferred to the March 9, 2022, Commission Meeting. David Martinez to handle.

R9 L DISCUSSION REGARDING THE LOG CABIN.

Deferred from January 20, 2022 - R9 J
Commissioner Kristen Rosen Gonzalez

ACTION: Item deferred to the March 9, 2022, Commission Meeting. Adrian Morales to handle.

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R9 M DISCUSS AND POTENTIAL ACTION ON THE EFFECTS THAT RE-OPENING OCEAN DRIVE TO VEHICLES WILL HAVE ON OUR QUALITY OF LIFE.

Commissioner Mark Samuelian
Deferred from January 20, 2022 - R9 M

ACTION: Item deferred to the March 9, 2022, Commission Meeting. Hernan Cardeno and Chief Clements to handle.

Handouts or Reference Materials

1. Email from David Grieser, Date: January 19, 2022, RE: Washington Avenue Works! Let's make it even better – Agenda Items R7 T, R9 M, R7 O
2. Email from Micki Schneider, Date: January 19, 2022, RE: Washington Avenue- please keep bike lanes – Agenda Items R7 T, R9 M, and R7 O.
3. Email from Linda Borst Kolko, Date: January 19, 2022, RE: Washington Avenue Works! Let's make it even better – Agenda Items R7 T, R9 M, R7 O

8:24:09 p.m.

R9 N DISCUSS AND POTENTIAL ACTION ON RECKLESS CYCLIST BEHAVIOR.

Commissioner Mark Samuelian
Deferred from January 20, 2022 - R9 O

ACTION: Referral to the Neighborhood and Quality of Life Committee. Mark Taxis to place on the Committee Agenda. **Chief Clements to handle.**

REFERRAL:

Neighborhood and Quality of Life Committee. Mark Taxis to place on the Committee Agenda. **Chief Clements to handle.**

Commissioner Samuelian stated that Items R9 N and R9 P fit nicely into a Committee known as Public Safety and Quality of Life (Neighborhood and Quality of Life Committee). Given that he does not believe the Commission can do these Items justice tonight, maybe by acclamation the Commission can agree to refer Items R9 N and R9 P.

There being consensus to refer the Items, Mayor Gelber asked that the record reflect that Items R9 N and R9 P have been referred by Commissioner Samuelian to the Neighborhood and Quality of Life Committee without objection from the Body.

R9 O DISCUSSION ITEM TO ADDRESS THE CLEANLINESS, RAMPANT CRIME, AND DELINQUENCY THAT HAPPENS AT THE ROTUNDA LOCATED AT THE EAST END OF LINCOLN ROAD BETWEEN THE DECOPLAGE AND RITZ CARLTON.

Commissioner Rosen Gonzalez
Deferred from January 20, 2022 - R9 P

ACTION: Item deferred to the March 9, 2022, Commission Meeting. Joe L. Gomez and Chief Clements to handle.

8:24:09 p.m.

R9 P DISCUSSION AND SUMMARY OF RECENTLY ENACTED CRIMINAL PROSECUTION REFORM MEASURES AND THOSE STILL UNDER CONSIDERATION.

Office of the City Attorney
Deferred from January 20, 2022 - R9 Z
Commissioner Mark Samuelian

ACTION: Referral to the Neighborhood and Quality of Life Committee. Mark Taxis to place on the Committee Agenda. **Office of the City Attorney to handle.**

REFERRAL:

Neighborhood and Quality of Life Committee. Mark Taxis to place on the Committee Agenda. **Chief Clements to handle.**

Commissioner Samuelian stated that Items R9 N and R9 P fit nicely into a Committee known as Public Safety and Quality of Life (Neighborhood and Quality of Life Committee). Given that he does not believe the Commission can do these Items justice tonight, maybe by acclamation the Commission can agree to refer Items R9 N and R9 P.

There being consensus to refer the Items, Mayor Gelber asked that the record reflect that Items R9 N and R9 P have been referred by Commissioner Samuelian to the Neighborhood and Quality of Life Committee without objection from the Body.

R9 Q DISCUSSION ABOUT COMMERCIAL CHARTER BOAT LICENSES IN MIAMI BEACH.

Commissioner Rosen Gonzalez
Deferred from January 20, 2022 - R9 Q

ACTION: Item deferred to the March 9, 2022, Commission Meeting. **John Woodruff to handle.**

R9 R DISCUSSION AND TAKE ACTION ABOUT SUPERFINE ART FAIR IN MARCH 2022 AND THEIR PARTNERSHIP WITH THE CITY.

Commissioner Rosen Gonzalez
Deferred from January 20, 2022 - R9 R

ACTION: Item was withdrawn.

R9 S DISCUSSION REGARDING THE MODIFICATION AND REDESIGN OF THE LINCOLN ROAD REDEVELOPMENT PROJECT.

Capital Improvement Projects
Deferred from January 20, 2022 - R9 U

ACTION: Item deferred to the March 9, 2022, Commission Meeting. **David Martinez to handle.**

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R9 T DISCUSS, AND POTENTIAL ACTION ON DESIGN-BUILD METHODOLOGY OF THE CITY OF MIAMI BEACH FROM INSPECTOR GENERAL REPORT 20-07.

Commissioner Mark Samuelian
Deferred from January 20, 2022 - R9 K

ACTION: Item was withdrawn.

R9 U DISCUSSION ON FUTURE STEPS TO MOVE THE BYRON CARLYLE SITE FORWARD.

Vice-Mayor David Richardson

ACTION: Item deferred to the March 9, 2022, Commission Meeting. Adrian Morales to handle.

R9 V DISCUSSION ABOUT THE "APARTMENT HOTEL" PROPERTY LOCATED AT 333 JEFFERSON AVENUE.

Commissioner Kristen Rosen Gonzalez

ACTION: Item deferred to the March 9, 2022, Commission Meeting. Thomas Mooney and Ana Salgueiro to handle.

7:58:05 p.m.

R9 W DISCUSS F1 GRAND PRIX FESTIVAL.

Commissioner Ricky Arriola

ACTION: Discussion held. Referral to the February 26, 2022 Finance and Economic Resiliency Committee Meeting. **John Woodruff to place on the Committee Agenda. Marcia Monserrat and Lissette Garcia Arrogante to handle.**

REFERRAL:

Referral to the February 26, 2022 Finance and Economic Resiliency Committee Meeting. Mr. Stojanovic to present a final package of "Asks." Mr. Stojanovic to provide the information a few days before that meeting. **John Woodruff to place on the Committee Agenda. Marcia Monserrat and Lissette Garcia Arrogante to handle.**

DIRECTION:

Show documentary Sienna, before the event, at SoundScape Park to build momentum. **Lissette Garcia Arrogante to handle.**

Commissioner Arriola wants to bring this Item forward because he is excited about what F1 (Formula 1) might mean to Miami Beach and our community in Miami-Dade County. This sport has been around for a long time, but it caught fire in the past couple of years. Commissioner Arriola believes that part of it is due to the Netflix phenomenon. If you look at other cities that have been selected to host the race; it has been wildly successful. Austin was one of the few cities other than Miami to get the series, the final day of the race had 400,000 spectators. That is the magnitude of this event. This could be a Super Bowl on steroids. These gentlemen do a lot of programming and activations in Miami Beach as well as elsewhere. He asked the representatives to explain their affiliation with F1. Commissioner Arriola wanted them to come in and present because Miami Beach has an opportunity with F1. F1 is going to make a permanent home at Dolphin Stadium. F1 is going to bring much

tourism to Miami Beach in particular. The event comes at a great time for Miami Beach in early May, which is a soft period for the City. This could be an annual Super Bowl for Miami Beach. Commissioner Arriola wants to start thinking about how the City partners more formally with F1. How does the City do more activations? This first year will be a test case. Commissioner Arriola wants to receive a brief presentation from F1 so that the Commission can start thinking about other ways of enhancing the partnership and this opportunity that Miami Beach as a community is privileged to be getting.

Sale Stojanovic introduced himself. He has lived in Miami Beach for 30 years. He has held many events in Miami Beach. For many of these events, he has partnered with the City on Miami Beach. He has worked with Mayor Gelber on the March for Our Lives and with the Production Industry Council. He has partnered with Wasserman, the company with a longstanding relationship with Formula 1 to create this festival. Fred Porro is the Global Director of Events for Wasserman and he will speak on their relationship with F1 and what Wasserman is trying to do. He thanked Commissioner Arriola for bringing this to the Commission. He wants to do this event in partnership with the City of Miami Beach. Wasserman sees the event as a cultural and community event. They want to involve the community and showcase the history of motor racing in Miami. Motor racing goes back to Carl Fisher, who brought racing to North Miami Beach.

Fred Porro, Managing Director for Global Events for Wasserman, the second-largest sports, and entertainment agency in the world spoke. Their founder, Casey Wasserman, is also the chair of LA 2028. Wassermann has been working with F1 for 15 years. Most recently, Wasserman produced two F1 festivals. The first was in Miami in 2018, which was attended by over 100,000 people and used as a platform to promote the race itself. The second in 2019 was in Los Angeles. As part of the plan, Wasserman is working with Formula 1 to help bring an event that is away from the track. Such an event creates a destination and a place for fans to go that are not able to attend the race. Less than 1% of Miami is going to be able to attend the race. Wasserman sees this as a great destination; a family-friendly event for not only the community but also their partners.

Mayor Gelber asked if Wasserman is setting up at Hard Rock Stadium, or if that was another group.

Mr. Stojakovic responded that Wasserman is working at the Hard Rock.

Mayor Gelber asked if Wasserman is responsible for the grandstand stage area named the South Beach Grandstand, or some similar name.

Mr. Stojanovic stated that Wasserman builds the structures at the Hard Rock Stadium; they do not program them. As far as the buildouts, Wasserman does 85-95% of the buildouts at the Stadium.

Commissioner Fernandez stated that this is extremely exciting for our region. He asked them to confirm whether the economic impact is \$400 million.

Mr. Stojanovic showed a PowerPoint presentation. Press [here](#) to watch. Mr. Stojanovic explained that Wasserman wants to make this a community event where the public has an opportunity to meet the drivers and the people involved in F1. Wasserman will be bringing celebrities that follow F1 to Miami Beach. Mr. Stojanovic explained that the followers of F1 are comprised of 38% women and 62% men, and the average age is 39. Wasserman wants to showcase the racing culture.

Commissioner Arriola explained that Mr. Stojanovic is showing is auxiliary events that will be scheduled around the event.

Mr. Stojanovic continued the presentation and showed the two-block site on Ocean Drive between 6th and 8th Streets, where Wasserman wants to showcase the cars and build the entertainment areas for racing simulators. The site will be open from noon to 6:00 p.m. In response to a question from Commissioner Arriola, Mr. Stojanovic stated that the events on Ocean Drive are free of charge. 8:06:12 pm – Audio not clear.

Commissioner Arriola asked Mr. Stojanovic what they are asking for.

Mr. Stojanovic stated that they are trying to make a partnership with Miami Beach for various reasons. They will invest a lot of money the first year to execute the events. First, they are looking for a long-term partnership with Miami Beach. Second, they are looking for help from Miami Beach for Police, Fire, and other related City fees. They are looking to create a clean zone in Ocean Drive because they need to control what is going around them. They would loud like to do a parade of cars on Ocean Drive. They met with the Ocean Drive Association and they are supportive of the event, closing Ocean Drive, and creating up-scale events.

Commissioner Arriola asked if his vision is to have cars drive down Ocean Drive.

Mr. Stojanovic stated that it would be a car parade; the cars would drive and stop on Ocean Drive for people to see.

Commissioner Arriola asked what kind of television the activations would get.

Mr. Stojanovic stated that one of the clients is ESPN, which is also one of the stations that broadcast F1. They are in contact with ESPN and setting up the studio on Ocean Drive and giving them the right to showcase the race.

Commissioner Arriola stated that this would be great for the City, the branding and image are what they need.

Mayor Gelber asked if there is a package that has been presented to them for review, have they committed to this?

Mr. Stojanovic stated that they have shared the request.

Commissioner Arriola stated that he has seen it; it came in the last few weeks and this is event is in May. He is a fan of Mr. Stojanovic's work and wants to support this, but they must talk about the financial aspect before they can vote. He asked Mr. Stojanovic if the City could have a month before they provide an answer.

Mr. Stojanovic stated that he understands, there is a financial aspect and the commitment for a long-term partnership.

Commissioner Arriola asked Mr. Stojanovic what they are doing with the City of Miami.

Mr. Stojanovic replied nothing at this time. The original race was supposed to be in Downtown Miami, and the festival was supposed to be in that area too, but they want to come to Miami Beach.

Commissioner Arriola stated that he does not want to negotiate for the City, but he does not want the

broadcasting to be in Bayside.

Mayor Gelber asked if the cars are manual or automatic. Someone responded that they are paddles.

Mr. Stojanovic stated that the race is 3 days long.

Commissioner Arriola added that he bought a package to attend the race. He asked Mr. Stojanovic to explain how quickly this event sold out.

Mr. Porro stated that this will be one of the largest F1 events. They had to extend ticket sales and VIP tickets because they sold out in less than a week. Most clients are from Asia, the Middle East, and other countries around the world.

Mr. Stojanovic stated that they spoke with Marcia Monserrat, her concern was how they would interact with other teams and sponsors that want some sort of activation. He informed her that they would help, they want Red Bull and other sponsors on Miami Beach. They are asking for clean zones so they can activate the area in the right way.

Commissioner Arriola asked Mr. Stojanovic about wanting to use the Convention Center in the future.

Mr. Stojanovic responded that Pride Park is one of the main locations they are pitching to other teams; the Convention Center at one point will come.

Mayor Gelber asked what he meant by other teams.

Mr. Stojanovic stated that the F1 is like the NBA with different teams; for F1, the teams are like Ferrari, McLaren, etc. Each team can do their own thing, although they are trying to put the teams together.

Mayor Gelber asked if they want the other teams in the area.

Mr. Stojanovic responded "yes."

Mayor Gelber stated that Mr. Stojanovic needs to put together a final package with "Asks" so they can review it. He believes that they can become long-term partners. He urged to do a referral to the Finance and Economic Resiliency Committee. He asked Mr. Stojanovic to come in before the next Finance and Economic Resiliency Committee Meeting so they can review it beforehand.

Alina T. Hudak, City Manager, stated that she heard earlier a rough estimate of the numbers and asks, but what is being presented now is slightly different. The Administration will need to review the final package. Miami Beach supports this event and staff will do everything possible to work with Mr. Stojanovic.

Mayor Gelber stated that this is an excellent opportunity, it is like the Superbowl, but they can add more of Miami Beach traits into this event, which in return will bring more people to stay. They are doing the Aspen Climate Change Convention, typically it is in March, but not this year. He believes this is a real win-win; he asked Mr. Stojanovic to work with staff.

Vice-Mayor Richardson asked where the event is located.

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Mr. Stojanovic stated that the location for the actual race is the Hard Rock Stadium, they are trying to locate the main center in Miami Beach.

Vice-Mayor Richardson stated that he sees that they are asking for fee waivers and asked if there will be an actual dollar amount.

Mr. Stojanovic stated that it is just fee waivers.

Vice-Mayor Richardson asked if Mr. Stojanovic will be ready to present a final package of "Asks" at the Finance and Economic Resiliency Meeting in February. The meeting is on February 26, and they will give him a time certain to present. He asked Mr. Stojanovic to provide the information a few days before that meeting, so they are not trying to scramble for details at the last minute.

Mr. Stojanovic stated that they will be ready, they are big on making community investments. They are in discussions with the Sabrina Cohen Foundation and support them. A big part of racing is drivers getting paralyzed and they work with other foundations that support these people.

Commissioner Arriola suggested that they present the documentary Sienna at SoundScape Park.

Mr. Stojanovic liked that idea.

Ms. Lisette Garcia Arrogante indicated that the documentary could be shown at SoundScape Park.

Mr. Stojanovic asked if they could broadcast the race at SoundScape Park or will the lights be an issue.

Mr. Stojanovic stated that it could be an issue, they will present the race on a LED screen that will be bright enough to see in the dark.

Mayor Gelber stated to show it done without objection.

Commissioner Arriola confirmed that Mr. Stojanovic will be exclusive with Miami Beach and they will not make a deal with the City of Miami.

Handouts or Reference Materials

1. Email from Ceci Velasco, execdirector@oceandrivemb.com, Date: February 9, 2022, RE: Grand Prix 2022 Letter of Support. Attachment: 2022 Grand Prix Festival.

9:03:41 a.m.

R9 X PRESENTATION - BOAT SHOW SNEAK PEEK PREVIEW.

Mayor Dan Gelber

ACTION: Discussion held. **Marcia Monserrat and Lisette Garcia Arrogante to handle.**

Bill Goodman thanked City Manager Hudak for encouraging them to come this morning to give the City Commission a sneak preview of the largest boat show in the world, which is sailing back to Miami Beach. This morning they are going to give the Commission an overview of what is going to take place next week. The Boat Show started in Miami Beach in 1969 and left for

several years during the construction of the Convention Center. Now it is coming back. Informa, the largest event company in the world is bringing the Boat Show back to Miami Beach. The Commission may recall that there used to be a boat show along Collins Avenue. This has moved across the Causeway to Miami at the Herald site. There will also be three other venues throughout Miami. Eight months ago, some of the Commissioners may recall that the Mayor signed the contract to bring the Boat Show back to Miami Beach. Since then, Informa has been working closely with various departments in the City. Mr. Goodman wanted to mention the great cooperation they have received from Spectra, who manages the Convention Center, the Police Department, the Parking Department, the Transportation Department, the Fire Department, and the Special Events Department. They have worked seamlessly with Informa to bring the Boat Show back; it is important. Mr. Goodman is proud to represent the two major events, not only in Miami Beach but South Florida: Art Basel and now the other marquee event the Boat Show. This morning, Informa wants to give the Commission a quick overview of what is going to take place. David Whitaker, Greater Miami Convention & Visitors Bureau President and CEO, will touch upon the financial impact. Larry Berryman who has been with the Boat Show for 18 years will address what is happening in the Convention Center and at Pride Park. Charlie McCurdy, the President and CEO of Informa, will address why they brought the Boat Show back and Informa

David Whitaker, Greater Miami Convention & Visitors Bureau (GMCVB) President and CEO, stated that this is his first formal opportunity to be before the Miami Beach City Commission as a partner. He is honored and blessed with the opportunity. Mr. Goodman and the Informa team will be talking about this specific event. Informa is one of the nation's top event trade show organizers is so impactful to Miami, especially the Beach Convention Center and the Greater Miami Beach Convention & Visitors Bureau. Informa is a first-class operation, and the Commission will see some of those leaders today. City Manager Hudak, as a member of the Greater Miami Beach Convention & Visitors Bureau Executive Committee, has made it clear that she has incredibly high expectations of the Greater Miami Beach Convention & Visitors Bureau. He applauds her for that. The Greater Miami Beach Convention & Visitors Bureau welcomes the challenge. City Manager Hudak has been incredibly fair, professional, and supportive. He thanked City Manager Hudak for her partnership and support, along with the support of Marcia Monseratt and Lissette Garcia Arrogante. Rolando Aedo joins him. Everyone knows how important Mr. Aedo is to the City, how important he is to the Greater Miami Beach Convention & Visitors Bureau Organization, and how important he is to Mr. Whitaker. He is looking forward to collaborating with Mr. Aedo. Freddy Petersons is in the audience. The partnership the Greater Miami Convention & Visitors Bureau has with the Miami Beach Convention Center is perhaps the most important partnership the Greater Miami Beach Convention & Visitors Bureau has. In talking about the Boat Show, Mr. Whitaker can give tons of numbers and it could even be overwhelming. Instead, Mr. Whitaker is going to mention some significant numbers that impact the story. It is the world's largest boat show. It had generated over \$15 million in advertising value from the publicity it generates. That is publicity not about the Boat Show but the lifestyle, and Miami Beach is the backdrop. That is the kind of advertising that money simply cannot buy unless you have an extra \$15 million laying around. It generates over 36,000 out-of-state visitors, and he wants to focus on those. There will be tens of thousands of other visitors including the local community. Those 36,000 visitors are from 30 plus countries. Informa alone books 35 hotels to use for its partners, exhibitors, and vendors. Sixty-three percent (63%) of those are hotels in Miami Beach. There was an article in today's Miami Herald for projections for this year, but the past exhibitor sales generated over \$350 million. That alone generates over \$45 million in sales tax for the Tri-County area, where most of these boat distributors are. Miami-Dade County and Miami Beach receive the fair share

of that. As Mr. Goodman said, it is the return to the Miami Beach Convention Center after a five- or six-year hiatus. Mr. Whitaker has three or four numbers to emphasize how important it that is. The Greater Miami Beach Convention & Visitors Bureau looked at the average daily rate (ADR); supply and demand, the more people we have here, the higher the hotel community can charge rates. Resulting in higher resort taxes being generated. The week before the Boat Show back in 2015, 2016, and 2017, the average daily rate during the Boat Show from the week before the average daily rate increased 22% in 2015 and 17% in 2016. A 20% bump in the average daily rate that week generates a huge economic impact. When the Boat Show left to Key Biscayne, even though people would still come to Miami Beach, the average daily rate fell during the Boat Show in Miami Beach 10%. In the subsequent year, it fell another 9.8%. Over two years, the average daily rate on Miami Beach during the Boat Show after it left was a drop of 18.8%. It is still below today what it was back before the show left. They are anxious and looking forward to seeing the average daily rate with the volume of people that they anticipate and the fact that 63% of the exhibitors are staying in hotels on Miami Beach. The Greater Miami Beach Convention & Visitors Bureau is looking forward to those numbers going in a positive direction. The economic impact will be evident. The average convention tradeshow delegates when they come to Miami, in this case, Miami Beach, average about \$1,134 a visit. The average stay is 3.8 days. When you translate that they spend \$450 on the hotel, \$315 on food and beverage, \$87 on entertainment \$125 on shopping, and \$145 on transportation. Focusing on those 36,000 out-of-state visitors, they will spend \$9.1 million on their hotel, they will spend \$2.7 million on their food and beverage, the majority of which will be in and around the Convention Center, and they will spend over \$3.5 million on shopping. That alone talks about the economic impact of having this a major event, which includes the publicity it generates, the lifestyle that it promotes, and the volume of visitors that come. The Greater Miami Beach Convention & Visitors Bureau applauds the Miami Beach Commission for making the Boat Show a partnership with the Convention Center. The Greater Miami Beach Convention & Visitors Bureau looks forward to supporting Informa and the City to make sure this event delivers for our constituents and those we serve. He thanked the City Commission for the opportunity.

Larry Berryman is thrilled to be back in Miami Beach, both personally and professionally. He has been working with the Boat Show for 22 years, for the first time with Informa. On behalf of Informa, he wants to thank everybody for welcoming the Boat Show back to Miami Beach and to the Miami Beach Convention Center. Mr. Berryman would like to thank everyone for their collaboration and cooperation over this last year. This has been a massive collaboration from everybody, and he wants to thank everyone. Boat Show move-in starts today and the Boat Show will kick off in a week. Informa has been preparing for over a year for a five-day world-class event. The event will start next Wednesday. It will be, as Mr. Whitaker and Mr. Goodman referred to the largest boating and yachting event in the world, showcasing Miami and Miami Beach, the world-class City that we all live in. The Boat Show was rebranded this year as "Discover Boating, Miami International Boat Show" and it will welcome thousands of attendees from all over the world. Mr. Whitaker mentioned 30 countries, but Informa tracked ticket sales from 67 countries during the 2020 event. This has a worldwide impact. Travelers coming from all over the world, as well as South Florida and every state in the nation, will converge on Miami and Miami Beach over the next week or so. The five-day show will activate the entire Miami Beach Convention Center. Pride Park will be transformed into the Progressive Boat Show Experience. Creating one dynamic campus. The Miami Boat Show, the Convention Center, and the Pride Park will combine into one full campus. The Boat Show will showcase thousands of boats and marine accessories not only at the Convention Center but also at the water sites on the City of Miami side. The Pride Park area will be transformed into an

educational, engaging, experimental, fun area where Informa can promote and enjoy the boating lifestyle. Informa is thrilled that it can utilize both Pride Park and the Convention Center for five days. In sum, Informa is thrilled to be producing this world-class event and looking forward to being proud partners of the Miami Beach Convention Center and the City of Miami. He thanked the City Commission.

Charlie McCurdy, President and CEO of Informa Markets, thanked the City Commission for welcoming them. Mr. McCurdy would like to echo a heartfelt thank you for the Commission's support and leadership. Informa is launching the world's largest Boat Show in Miami Beach next week. Miami Beach staff and the staff of the Miami Beach Convention Center have worked tirelessly to ensure that Informa has the best show possible. Informa is looking forward to it. Informa is fortunate to have the partnership of the City of Miami Beach. Who is Informa Markets? They are the largest trade show organizer in the world. Informa has over 400 events every year across the globe. Informa serves a wide range of industries including boating, yachting, fashion, healthcare, and many other sectors around the world. Informa hosts over a dozen events every year in South Florida; the majority of those in Miami Beach. Informa opened a new office in Miami; they are committed to the region. Informa continues to look for opportunities to bring more events to South Florida. South Florida is a dynamic part of the country and Informa wants to be part of that. On a personal note, Miami is his home, and he knows firsthand what a great city this is. Mr. McCurdy's commitment to the area is both personal and professional. He is proud to be here. As a thank you to the residents of Miami Beach, Informa is going to offer a 50% discount on one-day general admission passes to all residents. The City's marketing team is working together with Informa to communicate this to the community. Informa is especially appreciative of this community welcoming the Boat Show back to Miami Beach. He thanked the Commission for their leadership and the opportunity to host this amazing event for the boating and yachting community and the region. The Boat Show creates over 8000 jobs and over one and a half-billion dollars in economic impact every year to the region. Informa sees the continued opportunity to create exceptional events in what has recently been described as the most important city in America with one of the most beautiful Convention Centers. Informa looks forward to growing the partnership with the City of Miami Beach for many years to come.

Mayor Gelber thanked everyone. The Boat Show has been the seminal event for Miami Beach for decades. He remembers going to the boats as a child. It is a great event, and it attracts a terrific crowd of people who want to avail themselves of Miami Beach in so many great ways. We appreciate it. Miami Beach is looking forward to a long, great partnership. He hopes the City Commission will have them every year giving a preview of this incredibly beautiful show.

R9 Y DISCUSSION ABOUT THE HOMELESS POPULATION LIVING IN NORTH SHORE OCEAN SPACE PARK.

Commissioner Kristen Rosen Gonzalez

ACTION: Item deferred to the March 9, 2022, Commission Meeting. Alba Tarre to handle.

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R9 Z DISCUSS REQUEST TO FDOT FOR POSSIBLE EMERGENCY IMPROVEMENTS TO 63RD STREET DUE TO RECURRING TRAFFIC ACCIDENTS.

Commissioner Alex Fernandez

ACTION: Item deferred to the March 9, 2022, Commission Meeting. Jose Gonzalez to handle.

R9 AA DISCUSS AND TAKE ACTION REGARDING MAINTENANCE OF TRAFFIC ISSUES ON STATE AND COUNTY-OWNED ROADS WITHIN THE CITY, AND ANY AND ALL LEGAL AND ENFORCEMENT OPTIONS THAT MAY BE AVAILABLE TO THE CITY TO MITIGATE IMPACTS TO RESIDENTS.

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, URGING THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT), OFFICE OF THE INSPECTOR GENERAL, TO COMMENCE AN INVESTIGATION INTO POTENTIAL VIOLATION(S) OF THE CONTRACT PLANS, BY FDOT CONTRACTOR(S) AND/OR SUBCONTRACTOR(S), WITH REGARD TO UNAUTHORIZED, OR POSSIBLY IMPROPERLY AUTHORIZED, LANE CLOSURES CONCERNING THE INSTALLATION OF TRAFFIC SIGNALIZATION DEVICES ON 41ST STREET AND JEFFERSON AVENUE IN THE CITY OF MIAMI BEACH, AND, ADDITIONALLY, REQUESTING THAT THE CITY OF MIAMI BEACH OFFICE OF THE INSPECTOR GENERAL COMMENCE A SIMILAR INVESTIGATION INTO POSSIBLE SIMILAR CONDUCT BY CITY CONTRACTORS AND/OR SUBCONTRACTOR(S) ON THE 41ST STREET CORRIDOR.

Commissioner Steven Meiner
Supplemental updated on 2/7/2022
(Resolution and Exhibit A)

ACTION: Item deferred to the March 9, 2022, Commission Meeting. Jose Gonzalez and Joseph M. Centorino to handle.

R9 AB DISCUSSION REGARDING HISTORIC OCEANFRONT HOTELS THAT ARE CURRENTLY EXPOSED TO "THE ELEMENTS" AND UNPROTECTED WHILE AWAITING RENOVATION.

Commissioner Kristen Rosen Gonzalez
Addendum added on 2/4/2022
(Approved by Mayor Gelber)

ACTION: Item deferred to the March 9, 2022, Commission Meeting. Ana Salgueiro to handle.

R9 AC DISCUSSION AND PRESENTATION REGARDING MIAMI BEACH'S COMPREHENSIVE SAFETY PLAN TO MITIGATE SPRING BREAK AND MAINTAIN CONTROL OF OUR STREETS.

Commissioner Kristen Rosen Gonzalez
Addendum added on 2/7/2022
(Approved by Mayor Gelber)

ACTION: Item deferred to the March 9, 2022, Commission Meeting. Office of the City Manager, Chief Clements, Hernan Cardeno, and Joe L. Gomez to handle.

R9 AD UPDATE ABOUT THE VENETIAN ISLANDS ROADWORK PROJECT.

Commissioner Kristen Rosen Gonzalez
Addendum added on 2/7/2022
(Approved by Mayor Gelber)

ACTION: Item deferred to the March 9, 2022, Commission Meeting. David Martinez to handle.

R10 - City Attorney Reports

R10 A CITY ATTORNEY'S STATUS REPORT.

Office of the City Attorney

ACTION: Report given. Office of the City Attorney to handle.

Reports and Informational Items

1. REPORT FROM COMMISSION COMMITTEES OF WITHDRAWN ITEMS NOT HEARD WITHIN (6) SIX MONTHS FROM REFERRAL DATE.

Office of the City Clerk

ACTION: Report given. Rafael E. Granado to handle.

PRESENTATIONS AND AWARDS

5:08:05 p.m.

PA 1 CERTIFICATE OF RECOGNITION TO SOULCYCLE ON THE LAUNCHING OF SOULOUTSIDE IN RESPONSE TO THE COVID-19 PANDEMIC.

Commissioner Alex Fernandez
Deferred from January 20, 2022 - PA 4

ACTION: Item deferred to the March 9, 2022, Commission Meeting.

5:11:49 p.m.

PA 2 CERTIFICATE OF RECOGNITION PRESENTED TO CUBAN HEBREW, 23RD ANNUAL JOSE MARTI CELEBRATION.

Commissioner Alex Fernandez

ACTION: Certificate presented.

Commissioner Fernandez introduced the Item. He presented the members of the Congregation with their Certificates.

Certificate Reads:

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The City of Miami Beach is proud to recognize Raul Moncarz for helping organize the 23rd Annual Jose Marti Celebration at the Cuban Hebrew Congregation.

Two members of the Cuban Hebrew Congregation spoke and thanked the Mayor and Commission for the award.

PA 3 CERTIFICATE OF RECOGNITION PRESENTED TO HISPANIC AFFAIRS, JOSE MARTI CELEBRATION.

Commissioner Alex Fernandez

ACTION: Item deferred to the March 9, 2022, Commission Meeting.

5:08:42 p.m.

PA 4 PRESENTATION HONORING THE NAUTILUS MIDDLE SCHOOL ROBOTICS CLUB FOR THEIR FIRST-PLACE STATE CHAMPIONSHIP WIN.

Commissioner Kristen Rosen Gonzalez

ACTION: Presentation made.

Commissioner Rosen Gonzalez introduced the Item, praising their achievements.

Certificates were presented to the following: Simon Paley, Luis Rigau Sanchez, Noah Orlowsky, Ethan Rice, Hunter Campolo, and Coach Alvaro Montes de Oca.

Certificates Read:

The City of Miami Beach proudly honors you for your first-place Robotics Skills Championship title at the Vex IQ Robotics Showdown. Congratulations!

5:04:41 p.m.

PA 5 CERTIFICATE OF RECOGNITION PRESENTED TO CARIDAD RODRIGUEZ.

Commissioner Alex Fernandez

ACTION: Certificate presented.

Commissioner Fernandez introduced the Item. He expressed his pleasure in presenting this award to Caridad. Caridad spent many years taking care of her ill son until he passed away. She then went on to do good in her community, lifting the spirits of her friends and others. Many people benefited from her happiness and good deeds. She gives her heart to our community.

Certificate Reads:

The City of Miami Beach is proud to recognize Caridad Rodriguez for her many good deeds to the community as one of our most beloved residents.

Caridad spoke in Spanish thanking them for the award.

5:17:07 p.m.

PA 6 PROCLAMATION PRESENTED TO OFFICER TRACI SIERRA FOR HER SERVICES TO THE MIAMI BEACH POLICE DEPARTMENT.

Commissioner Mark Samuelian

ACTION: Proclamation presented.

Commissioner Samuelian introduced the Item and read the Proclamation into the record.

Proclamations Reads:

WHEREAS Officer Traci Sierra has been a leader amongst her peers in the Miami Beach Police Department and the Miami Beach community for 22 years. She joined the Police Department on February 14, 2000, after serving eight years in the Marine Corp. and obtained the rank of Sergeant.

WHEREAS Officer Traci Sierra served in a variety of positions throughout her tenure to include patrol officer, field force officer, bike patrol officer, ATV patrol officer, boardwalk beat officer, domestic violence detective, major crimes detective, property crimes detective, RDA officer, hostage negotiation officer, field training officer, and a Miami-Dade College training officer for BLE 259.

WHEREAS Officer Traci Sierra is currently assigned as the Neighborhood resource officer in the ADCD area. It is her dedication to the Police Department and the community both while she works and on her own time off, day after day in a variety of capacities that has earned her this honor. Her countless hours of volunteer work includes the Miami Beach Police Athletic League Kindergarten Cops, Girl Scout Troops, food drives, toy drives, turkey drives, the backpack giveaway, hosting several Breast Cancer Awareness fundraisers, collecting over 100 Prom dresses for students in need, handcrafting decorations for multiple events, and organizing events for the betterment of the community.

WHEREAS Officer Traci Sierra consistently and rapidly built relationships with the community and gained their trust. Many concerns in the area were addressed by her initiatives. She organized multiple task forces and set plans to address several community concerns. She has earned the respect from members of the Police Department, employees of other city departments, and the community. She takes it upon herself to find innovative ways to show the public how much our city cares about them.

WHEREAS Officer Sierra knows the value of showing a genuine commitment to the community because she has been doing it her whole career. Traci's commitment to the families in Miami Beach is exceptional. Her focus is to keep kids on the right path as they mature and to share with parents the tools to assist their children in becoming productive members of society. The time and effort she spent volunteering outside the scope of her normal employment duties is invaluable and plays a major part in the current and future successes of this community and our agency. She is a hero to all the young people she mentors, all the brothers and sisters in blue she encounters, to her supervisors, subordinates, and her peers.

NOW THEREFORE, DO WE, as Mayor and Commissioners of the City of Miami Beach, hereby proclaim February 9, 2022, as Officer Traci Sierra Day in the City of Miami Beach.

Officer Sierra spoke. She is humbled to be here. Her father, a retired Army Sargent always told her that no matter what you do in life to leave a positive legacy, enjoy what you are doing, and do it well. It has been an honor and a privilege for her to serve the citizens of Miami Beach, and a bigger honor to serve with the men and women of the Miami Beach Police Department. She asked the Mayor and

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Commission for one small request. She asked them to say hello to the Officers on the streets doing their duty and to engage in conversation with them. Most of all to thank them for their service.

Chief Clements praised Officer Sierra for her dedication and commitment, adding that he is happy for her but sad to see her leave.

Vice-Mayor Richardson thanked her for all the support she has given during the food distributions.

5:24:57 p.m.

PA 7 CERTIFICATE OF APPRECIATION FOR CODE ENFORCEMENT OFFICERS RENE SANTANA AND JORGE HERNANDEZ.

Commissioner Kristen Rosen Gonzalez

ACTION: Certificate presented.

Commissioner Rosen Gonzalez introduced the Item. She had received an email from Jane Kroff, a resident of the Art Deco Cultural District. Jane's email praised Jorge Hernandez and Rene Santana for always being there, on the ground, caring and compassionate, and always following up. Code has been living through Hurricanes, Zika, Short-Term Rentals, Spring Break, and Memorial Day. They are our troops on the ground.

Hernan Cardeno, Code Compliance Director, thanked the Mayor and Commission for recognizing these two code professionals. We are constantly receiving praise for their performance. We endearingly refer to them as "celebration of life," and "chamber of commerce," because they are so approachable. Thank you for recognizing them.

Rene Santana's Certificate Reads:

Code Compliance Officer Rene Santana started at the City of Miami Beach on December 21, 2015, as a dispatcher in the Parking Department. He then transitioned to the Code Compliance Department on September 18, 2020, where he has excelled in his new role. He is an essential part of the team. Rene has earned the nickname "Chamber of Commerce" because of his personable and friendly manner and he always goes above and beyond to assist the Miami Beach community. Rene is a "people person" and is lauded for his kindness and approachability.

The City of Miami Beach proudly honors his service in the Code Compliance Department, which has contributed to the collective strength of the Department and the entire City of Miami Beach.

Jorge Hernandez Certificate Reads:

Code Compliance Officer Jorge Hernandez started working for the City of Miami Beach in the Code Compliance Department on December 21, 1987. Jorge is incredibly positive and personable, which is why he has earned the nickname "Celebration of Life." Jorge always goes the extra mile to assist customers and ensure compliance. Over his 35 years of service, he has received many compliments, accolades, and positive feedback from Miami Beach residents who appreciate him and his courteous response to Code-related matters. Jorge's energy and positive attitude are infectious and inspirational. We are lucky to have him on the Code Compliance team.

The City of Miami Beach proudly honors your 35 years of service in the Code Compliance Department, which has contributed to the collective strength of the Department and the entire City of Miami Beach.

Notices

1. MIAMI BEACH REDEVELOPMENT AGENCY (RDA) AND NORTH BEACH COMMUNITY REDEVELOPMENT AGENCY (CRA) MEMBERS.
2. HOW A PERSON MAY PARTICIPATE DURING THE HYBRID CITY COMMISSION MEETING / COMMISSION MEETING PROCEDURES.
AD: 02092022-03 AVM
3. USE OF AUDIO-VISUAL EQUIPMENT FOR PRESENTATIONS DURING PUBLIC MEETINGS.
AD: 02092022-03 AVM
4. 2022 COMMISSION MEETING DATES.
5. ADVERTISEMENTS.
6. CITY COMMISSION AT-LARGE NOMINATIONS - RELEASE(S).
Release # 1 - Added February 3, 2022
Release # 2 - Added February 4, 2022
Release # 3 - Added February 7, 2022
Release # 4 - Added February 8, 2022
7. TIME CERTAIN.

Meeting adjourned at 10:52:59 p.m.