

# MIAMI BEACH

## Commission Meeting / Presentations & Awards

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

June 27, 2018 - 4:00 PM

Mayor Dan Gelber  
Commissioner John Elizabeth Aleman  
Commissioner Ricky Arriola  
Commissioner Michael Gongora  
Commissioner Kristen Rosen Gonzalez  
Commissioner Mark Samuelian  
Commissioner Micky Steinberg

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

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### ATTENTION ALL LOBBYISTS

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

To request this material in alternate format, sign language interpreter (five-day notice required), information on access for persons with disabilities, and/or any accommodation to review any document or participate in any City-sponsored proceedings, call 305.604.2489 and select option 6; TTY users may call via 711 (Florida Relay Service).

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

### AGENDA KEY

#### Consent Agenda:

C2 - Competitive Bid Reports  
C4 - Commission Committee Assignments  
C6 - Commission Committee Reports  
C7 - Resolutions

#### Regular Agenda:

R2 - Competitive Bid Reports  
R5 - Ordinances  
R7 - Resolutions  
R9 - New Businesses & Commission Requests  
R10 - City Attorney Reports

PA - Presentations and Awards

## **AGENDA**

1. CALL TO ORDER

### **CONSENT AGENDA**

- C4 A REFERRAL TO THE JUNE 29, 2018 FINANCE AND CITYWIDE PROJECTS COMMITTEE TO DISCUSS STREAMLINING THE PROCUREMENT PROCESS.

Commissioner Ricky Arriola

### **C7 - Resolutions**

- C7 A A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, RECOGNIZING AND APPROVING EARLY VOTING FOR THE AUGUST 28, 2018 CITY OF MIAMI BEACH SPECIAL ELECTION.

Office of the City Clerk

- C7 B A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE MIAMI-DADE COUNTY CANVASSING BOARD FOR THE AUGUST 28, 2018 PRIMARY ELECTION TO SERVE AS THE CANVASSING BOARD FOR THE CITY OF MIAMI BEACH'S SPECIAL ELECTION TO BE HELD ON AUGUST 28, 2018.

Office of the City Clerk

- C7 C A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING FUNDING AND AN EXPENDITURE IN AN AMOUNT NOT TO EXCEED \$22,000.00 FOR THE PUBLIC PURPOSE OF INFORMING AND EDUCATING THE VOTERS OF THE CITY OF MIAMI BEACH REGARDING THE BALLOT QUESTIONS IN THE CITY'S SPECIAL ELECTION ON AUGUST 28, 2018, WHICH WILL BE HELD IN CONJUNCTION WITH THE PRIMARY ELECTION, IN ORDER TO ACHIEVE A MORE INFORMED ELECTORATE VOTE.

Office of the City Clerk/Office of the City  
Attorney/Marketing and Communications

- C7 D A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, STRONGLY URGING PRESIDENT DONALD TRUMP AND THE UNITED STATES CONGRESS TO TAKE IMMEDIATE STEPS TO REUNITE CHILDREN SEPARATED FROM THEIR PARENTS DUE TO IMMIGRATION DETENTIONS, AND TO PROHIBIT ANY FUTURE PARENT AND CHILD SEPARATIONS BY UNITED STATES IMMIGRATION AUTHORITIES.

Office of the City Attorney  
Vice Mayor Micky Steinberg

- C7 E A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, STRONGLY URGING THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN RESOURCES TO PROVIDE AND MAINTAIN ADEQUATE MEDICAL CARE, NUTRITION, HOUSING, AND EDUCATIONAL STANDARDS IN, AND TO PERMIT ACCESS BY ELECTED FEDERAL REPRESENTATIVES TO, FEDERAL IMMIGRATION DETENTION CENTERS AND SHELTERS FOR CHILDREN.

Office of the City Attorney  
Commissioner Michael Gongora

- C7 F A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, CONDEMNING THE DENIAL OF ACCESS TO GOVERNMENT OFFICIALS TO IMMIGRATION DETENTION FACILITIES OR SHELTER FOR CHILDREN FOR HUMANITARIAN INSPECTIONS AND PURPOSES AND IMPOSING, AS OF THE DATE OF THE ADOPTION OF THIS RESOLUTION, A MORATORIUM ON THE CITY CONTRACTING WITH ANY ENTITY, OR SUBSIDIARY THEREOF, OPERATING DETENTION FACILITIES OR SHELTERS FOR CHILDREN DETAINED BY UNITED STATES IMMIGRATION AUTHORITIES UNTIL SUCH ENTITIES, OR SUBSIDIARIES THEREOF, PERMIT ACCESS TO SUCH FACILITIES BY GOVERNMENT OFFICIALS SEEKING ENTRY FOR INSPECTIONS AND HUMANITARIAN PURPOSES.

Office of the City Attorney  
Commissioner Ricky Arriola

## **REGULAR AGENDA**

### **R5 - Ordinances**

- R5 A AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 62 OF THE CITY CODE, ENTITLED "HUMAN RELATIONS," BY CREATING ARTICLE VI THEREOF, TO BE ENTITLED "PROTECTION OF HOTEL AND HOSTEL EMPLOYEES FROM ASSAULT AND SEXUAL HARASSMENT," TO PROVIDE REGULATIONS REGARDING THE PERSONAL SAFETY OF CERTAIN HOTEL AND HOSTEL EMPLOYEES; PROVIDING FOR ENFORCEMENT AND PENALTIES; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

#### **First Reading**

Referred to NCAC on April 11, 2018 - R5 N

Office of the City Attorney/Code Compliance

Commissioner Kristen Rosen Gonzalez

### **R7 - Resolutions**

- R7 A A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING, BY 5/7TH VOTE, AND FOLLOWING A DULY NOTICED PUBLIC HEARING, THE NAMING OF THE BALLROOMS WITHIN THE MIAMI BEACH CONVENTION CENTER AS FOLLOWS: THE GRAND BALLROOM AS THE "GRAND BALLROOM," THE BALLROOM IN FRONT OF HALL A AS "OCEAN DRIVE ROOM," THE BALLROOM IN FRONT OF HALL D AS "LINCOLN ROAD ROOM," THE SPECIALTY SPACE BALLROOM AS "SUNSET VISTA SALON," AND THE JUNIOR BALLROOM/LEVEL 2 AS "ART DECO ROOM."

#### **5:01 p.m. Public Hearing**

Tourism, Culture and Economic Development

- R7 B A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING, BY 5/7TH VOTE, AND FOLLOWING A DULY NOTICED PUBLIC HEARING, THE NAMING OF THE CLUBHOUSE STRUCTURE LOCATED IN THE PARK TO THE NORTH OF THE MIAMI BEACH CONVENTION CENTER AS THE "CARL FISHER CLUBHOUSE."

#### **5:02 p.m. Public Hearing**

Tourism, Culture and Economic Development

- R7 C A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ADOPTING THE THIRD AMENDMENT TO THE GENERAL FUND, ENTERPRISE FUND, INTERNAL SERVICE FUND, AND SPECIAL REVENUE FUND BUDGETS FOR FISCAL YEAR (FY) 2017/18.

#### **5:03 p.m. Public Hearing**

Budget and Performance Improvement

- R7 D A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ADOPTING THE SIXTH AMENDMENT TO THE CAPITAL BUDGET

FOR FISCAL YEAR 2017/18, AS SET FORTH IN ATTACHMENTS A (SOURCE OF FUNDS), ATTACHMENT B (PROGRAMS), AND ATTACHMENT C (PROJECTS).

**5:04 p.m. Public Hearing**

Budget and Performance Improvement

- R7 E A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CREATION OF A HOST COMMITTEE TO RAISE FUNDS FOR A GRAND OPENING GALA AND A CONCURRENT COMMUNITY OPEN HOUSE IN CELEBRATION OF THE NEWLY RENOVATED MIAMI BEACH CONVENTION CENTER, TO TAKE PLACE IN EARLY 2019, AUTHORIZING THE ACCEPTANCE OF DONATIONS MADE TO THE CITY OF MIAMI BEACH; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, SUBJECT TO BUDGET APPROPRIATION, TO MAKE SUCH EXPENDITURES AND/OR REIMBURSEMENTS FROM THE AFOREMENTIONED DONATIONS IN FURTHERANCE OF, AND CONSISTENT WITH, THE HOSTING OF A GRAND OPENING GALA AND COMMUNITY OPEN HOUSE.

Tourism, Culture and Economic Development

Item Deferred to July 2, 2018 SCM

- R7 F A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING A LIMITED EXCEPTION TO SECTION 6(C) OF THE THIRD AMENDED AND RESTATED RULES AND REGULATIONS FOR BEACHFRONT CONCESSION OPERATIONS (PROHIBITING NEW APPLICATIONS FOR MOBILE COOKING/HEATING CONCESSION FACILITIES), AND APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE TEMPORARY LETTER AGREEMENTS WITH THOSE INTERESTED PRIVATE UPLAND PROPERTY OWNERS (CONCESSIONAIRES), LOCATED IMMEDIATELY WESTWARD OF THE BEACHFRONT, FOR A SIX MONTH PILOT PROGRAM IN ORDER TO EVALUATE THE MANAGEMENT AND OPERATION OF NO MORE THAN ONE (1) MOBILE COOKING/HEATING CONCESSION FACILITY, WHICH WILL BE LOCATED SEAWARD OF THE UPLAND PROPERTY; AND SHOULD THE ADMINISTRATION DETERMINE THAT THE PILOT PROGRAM WAS SUCCESSFUL, AUTHORIZING THE ADMINISTRATION TO SUBMIT PROPOSED MODIFICATIONS TO THE RULES AND REGULATIONS GOVERNING THE UTILIZATION OF MOBILE COOKING/HEATING CONCESSION FACILITIES AS PART OF THE BEACHFRONT CONCESSION AGREEMENTS ISSUED ANNUALLY TO THE UPLAND PROPERTY OWNERS.

Tourism, Culture and Economic Development

Supplemental updated on 6/26/2018  
(Memorandum, Draft Agreement, & Resolution)

**R9 - New Business and Commission Requests**

- R9 A INTRODUCTION OF THE NEWLY ELECTED DISTRICT 5 MIAMI-DADE COUNTY COMMISSIONER EILEEN HIGGINS.

Commissioner Michael Gongora

- R9 B DISCUSS THE PRELIMINARY DESIGN PLANS AND REPORT BY DOVER KOHL FOR THE FUTURE USE OF THE NORTH BEACH WEST LOTS.

Tourism, Culture and Economic Development

Deferred from June 6, 2018 - R9 O

Supplemental updated on 6/25/2018  
(PowerPoint Presentation)

**R10 - City Attorney Reports**

- R10 A CLOSED ATTORNEY-CLIENT SESSION:  
PURSUANT TO §286.011, FLORIDA STATUTES, THE CITY ATTORNEY HEREBY ADVISES



THE MAYOR AND CITY COMMISSION THAT HE DESIRES ADVICE CONCERNING THE FOLLOWING PENDING LITIGATION MATTER:

CONSOLIDATED CASES NOS. 2015-11069 CA 43 AND 2014-023217 CA 43  
CIRCUIT COURT OF THE 11TH JUDICIAL CIRCUIT

MURANO GRANDE AT PORTOFINO CONDOMINIUM ASSOCIATION, INC., A FLORIDA NOT-FOR-PROFIT, MURANO GRANDE AT PORTOFINO MASTER ASSOCIATION, INC., A FLORIDA NOT-FOR-PROFIT CORPORATION, AND ICON CONDOMINIUM ASSOCIATION, INC., A FLORIDA NOT-FOR-PROFIT CORPORATION,

PLAINTIFFS,

V.

THE CITY OF MIAMI BEACH, FLORIDA, A MUNICIPAL CORPORATION, MIAMI BEACH REDEVELOPMENT AGENCY, A FLORIDA PUBLIC AGENCY, AND MIAMI BEACH MARINA ASSOCIATES, LTD., A FLORIDA LIMITED PARTNERSHIP,

DEFENDANTS,

MURANO GRANDE AT PORTOFINO CONDOMINIUM ASSOCIATION, INC., A FLORIDA NOT-FOR-PROFIT CORPORATION,

PLAINTIFF/COUNTER-DEFENDANT,

V.

THE CITY OF MIAMI BEACH, FLORIDA, A MUNICIPAL CORPORATION, AND MIAMI BEACH REDEVELOPMENT AGENCY, A FLORIDA PUBLIC AGENCY,

DEFENDANT/COUNTER-PLAINTIFFS,

THE CITY OF MIAMI BEACH, FLORIDA, A MUNICIPAL CORPORATION, AND MIAMI BEACH REDEVELOPMENT AGENCY, A FLORIDA PUBLIC AGENCY,

THIRD-PARTY PLAINTIFFS,

V.

MURANO GRANDE AT PORTOFINO MASTER ASSOCIATION, INC., A FLORIDA NOT-FOR-PROFIT CORPORATION, AND ICON CONDOMINIUM ASSOCIATION, INC., A FLORIDA NOT-FOR-PROFIT CORPORATION,

THIRD-PARTY DEFENDANTS.

THEREFORE, A PRIVATE CLOSED ATTORNEY-CLIENT SESSION WILL BE HELD DURING THE COMMISSION MEETING ON JUNE 27, 2018 AT 4:00 P.M. IN THE CITY MANAGER'S LARGE CONFERENCE ROOM, FOURTH FLOOR, CITY HALL TO DISCUSS SETTLEMENT NEGOTIATIONS AND/OR STRATEGY RELATED TO LITIGATION EXPENDITURES WITH REGARD TO THE ABOVE-REFERENCED LITIGATION MATTER.

THE FOLLOWING INDIVIDUALS WILL BE IN ATTENDANCE: MAYOR DAN GELBER; MEMBERS OF THE CITY COMMISSION; MICKY STEINBERG, MICHAEL GONGORA, MARK SAMUELIAN, RICKY ARRIOLA, KRISTEN ROSEN GONZALEZ, AND JOHN ELIZABETH ALEMAN; CITY MANAGER JIMMY L. MORALES, CITY ATTORNEY RAUL J. AGUILA, DEPUTY CITY ATTORNEY STEVEN H. ROTHSTEIN, ASSISTANT CITY

ATTORNEY JASON JACOBSON, MARK A. HENDRICKS, ESQUIRE, AND MEREDYTH S. COOPER, ESQUIRE.

**4:00 p.m.**

Office of the City Attorney

Deferred from June 6, 2018 - R10 A

**REDEVELOPMENT AGENCY (RDA)**

1. A RESOLUTION OF THE CHAIRPERSON AND MEMBERS OF THE MIAMI BEACH REDEVELOPMENT AGENCY (RDA), ADOPTING THE SECOND AMENDMENT TO THE MIAMI BEACH REDEVELOPMENT AGENCY CAPITAL BUDGET FOR FISCAL YEAR 2017/18, AS SET FORTH IN ATTACHMENTS A (SOURCE OF FUNDS), ATTACHMENT B (PROGRAMS), AND ATTACHMENT C (PROJECTS).

**5:05 p.m. Public Hearing**

Budget and Performance Improvement

**PRESENTATIONS AND AWARDS (COMMENCES AT APPROXIMATELY 5:00 P.M.)**

- PA 1 CERTIFICATE OF RECOGNITION TO BE PRESENTED TO THE ANTI-DEFAMATION LEAGUE.

Vice-Mayor Micky Steinberg

Deferred from May 16, 2018 - PA 2

- PA 2 CERTIFICATES OF RECOGNITION TO BE PRESENTED TO THE MIAMI BEACH ROWING CLUB.

Commissioner Kristen Rosen Gonzalez

- PA 3 PROCLAMATION TO BE PRESENTED TO TOMAS REGALADO FOR HIS LIFETIME ACCOMPLISHMENTS FOR THE BETTERMENT OF SOUTH FLORIDA.

Commissioner Michael Gongora

- PA 4 CERTIFICATE OF RECOGNITION TO BE PRESENTED TO THE 1 HOTEL FOR THEIR MODE OF EXCELLENCE IN SUSTAINABILITY EFFORTS.

Commissioner Michael Gongora

- PA 5 PROCLAMATION TO BE PRESENTED TO ROBERTO ESCUDERO AND RANSES QUIROGA FOR THEIR HEROIC DEEDS IN SAVING TWO SWIMMERS' LIVES.

Commissioner Mark Samuelian

- PA 6 PROCLAMATION TO BE PRESENTED TO VICTOR M. DIAZ FOR HIS LIFETIME OF OUTSTANDING CIVIC WORK, INCLUDING CO-FOUNDING UNIDAD, FOR THE CITY OF MIAMI BEACH.

Commissioner Mark Samuelian

- PA 7 CERTIFICATES OF RECOGNITION TO BE PRESENTED TO THE MAYOR'S BLUE RIBBON PANEL ON MEMORIAL DAY WEEKEND.

Commissioner Ricky Arriola

**Notices**

1. ADVERTISEMENTS.
2. TIME CERTAIN

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Commissioner Ricky Arriola  
DATE: June 27, 2018

SUBJECT: REFERRAL TO THE JUNE 29, 2018 FINANCE AND CITYWIDE PROJECTS  
COMMITTEE TO DISCUSS STREAMLINING THE PROCUREMENT PROCESS.

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### ANALYSIS

Please place this referral item on the June 27, 2018 City Commission agenda.

### Legislative Tracking

Commissioner Ricky Arriola

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Rafael E. Granado, City Clerk  
DATE: June 27, 2018

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, RECOGNIZING AND APPROVING EARLY VOTING FOR THE AUGUST 28, 2018 CITY OF MIAMI BEACH SPECIAL ELECTION.

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### **RECOMMENDATION**

Approve a Resolution recognizing and approving early voting for the City of Miami Beach Special Election to be held on Tuesday, August 28, 2018, in conjunction with the Primary Election.

### **ANALYSIS**

During the July 6, 2018 City Commission meeting, the City Commission called for a Special Election to be held on Tuesday, August 28, 2018, in conjunction with the Primary Election, in order to submit to the electorate of the City of Miami Beach the following two ballot questions:

#### **Question 1:**

Amending Composition of the Board of Adjustment

Section 2 of City's Related Special Acts establishes the Board of Adjustment ("BOA") with seven members, each representing one of the following professions: Law, architecture, engineering, real estate development, certified public accounting, financial consultation, and general business. Shall Section 2 be amended to provide that two of the BOA members shall be "citizens at-large" (no specific profession), and the remaining five members shall each represent one of the above professions?

\_\_\_\_\_ YES  
\_\_\_\_\_ NO

#### **Question 2:**

Amend City Charter to Increase the Annual Compensation of the Mayor and City Commissioners

Shall City Charter Section 2.02 be amended to change the annual compensation established in 1966, which has not been raised in 52 years, for the Mayor from \$10,000 to \$75,636, and for City Commissioners from \$6,000 to \$45,381; and also to authorize the City Commission, at a noticed public hearing, to allow an annual compensation increase based upon the Consumer Price Index, issued by U.S. Department of Labor, not to exceed three percent per year?

\_\_\_\_\_ YES  
\_\_\_\_\_ NO

Section 101.657(1)(d) of the Florida Statutes (the "Early Voting Statute"), requires that each County's Supervisor of Elections commence early voting on the 10th day before an election that contains State or Federal races and end on the 3rd day before the election; providing early voting for no less than 8 hours and no more than 12 hours per day at each site during the applicable period. In addition, early voting may be offered at the discretion of the Supervisor of Elections on the 15th, 14th, 13th, 12th, 11th, or 2nd day before an election that contains State or Federal races for at least 8 hours per day, but not more than 12 hours per day.

Inasmuch as Florida's Election Code states that municipalities may provide early voting only in municipal elections that are not held in conjunction with County or State elections, the County will be responsible for conducting the early voting activities related to the City's Special Election on August 28, 2018. Accordingly, the Miami-Dade County Supervisor of Elections has tentatively designated the following early voting schedule for the August 28, 2018 City Special Election, and has tentatively designated Miami Beach City Hall, 1700 Convention Center Drive, and the North Shore Branch Library, 7501 Collins Avenue, as the early voting locations within the City of Miami Beach:

**Week 1 Dates**

**Week 1 Times**

Monday, August 13, 2018	To Be Determined by the Supervisor of Elections
Tuesday, August 14, 2018	To Be Determined by the Supervisor of Elections
Wednesday, August 15, 2018	To Be Determined by the Supervisor of Elections
Thursday, August 16, 2018	To Be Determined by the Supervisor of Elections
Friday, August 17, 2018	To Be Determined by the Supervisor of Elections
Saturday, August 18, 2018	To Be Determined by the Supervisor of Elections
Sunday, August 19, 2018	To Be Determined by the Supervisor of Elections

**Week 2 Dates**

**Week 2 Times**

Monday, August 20, 2018	To Be Determined by the Supervisor of Elections
Tuesday, August 21, 2018	To Be Determined by the Supervisor of Elections
Wednesday, August 22, 2018	To Be Determined by the Supervisor of Elections
Thursday, August 23, 2018	To Be Determined by the Supervisor of Elections
Friday, August 24, 2018	To Be Determined by the Supervisor of Elections
Saturday, August 25, 2018	To Be Determined by the Supervisor of Elections
Sunday, August 26, 2018	To Be Determined by the Supervisor of Elections

Upon receipt from the Miami-Dade County Elections Department of the final early voting schedule and locations for the August 28, 2018 Special Election, the City Clerk will report this information to the Mayor and Commissioners via Letter to Commission (LTC), and will further post the information on the City's website.

**CONCLUSION**

I recommend that the Mayor and City Commission recognize and approve early voting for the August 28, 2018 City of Miami Beach Special Election, said early voting to be conducted in accordance with the provisions of the attached Resolution and Section 101.657, Florida Statutes.

**FINANCIAL INFORMATION**

The Miami-Dade County Elections Department has provided the City Clerk with an estimate of approximately \$31,000 to conduct the August 28, 2018 Special Election, which includes the costs of 14 early voting days. (See Department of Election Estimate.) Additionally, the City will incur approximately \$31,100 in legally mandated advertisements, required by the Florida Statutes and the City Code, to notice this Special Election.

<b>Amount 1</b>	\$31,000	<b>Account 1</b>	011-9322-000312-90-400-592-00-00-00 - Election Costs
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<b>Amount 2</b>	\$31,100	<b>Account 2</b>	011-9322-000312-90-400-592-00-00-00 - Advertisement Costs
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<b>Total</b>	\$62,100
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**Legislative Tracking**  
Office of the City Clerk

**ATTACHMENTS:****Description**

- ▣ Estimate from Miami-Dade County Elections
- ▣ Resolution



miamidade.gov

**Elections**  
2700 NW 87th Avenue  
Miami, Florida 33172  
T 305-499-8683 F 305-499-8547  
TTY 305-499-8480

## ESTIMATE

### Miami Beach Election - Piggyback on Primary Election- August 28, 2018

Rafael E. Granado, City Clerk  
City of Miami Beach  
1700 Convention Center Drive #200  
Miami Beach, FL 33139

Estimate N°: MB-PB-082818  
Estimate Date: July 17, 2017

Registered Voters:	50,833	Early Voting Days:	14
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<b>Personnel</b>	\$	-
<i>Salaries &amp; Fringe Benefits, Overtime, Poll Workers</i>		
<b>Polling Places</b>		-
<i>Security, Polling Place Rentals</i>		
<b>Supplies and Services</b>		-
<i>Absentee Ballots Set Up</i>		
<b>Trucks and Vehicles</b>		-
<i>Truck Rentals, GSA Vehicles</i>		
<b>Printing and Advertising</b>		25,416.50
<i>Absentee, Early Voting &amp; Precinct Ballots</i>		
<b>Postage</b>		-
<i>Absentee Ballots Sent and Business Reply</i>		
<b>Ballot Creation</b>		2,410.00
<i>In-House &amp; Outside Contractual Services, Translations - Based on one question</i>		
<b>Administrative Overhead</b>		2,782.65
<i>Indirect Costs, Logic &amp; Accuracy, Post-Election Audits</i>		
<b>*TOTAL</b>	<b>\$</b>	<b><u>30,609.15</u></b>

\* Please note these costs are estimates and are subject to change. This estimate does include the cost of ballot printing; however, if your question(s)/race(s) creates an additional ballot page, the cost will be adjusted accordingly.

For more information, you may contact:

Rena A. Saiter  
Assistant Deputy SOE-Finance and Administration  
Miami-Dade Elections Department  
2700 NW 87 Avenue  
Miami, Florida 33172

Office: 305-499-8424 E-mail: ras@miamidade.gov

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE  
CITY OF MIAMI BEACH, FLORIDA, RECOGNIZING AND  
APPROVING EARLY VOTING FOR THE AUGUST 28, 2018 CITY OF  
MIAMI BEACH SPECIAL ELECTION.**

**WHEREAS**, the City of Miami Beach has scheduled a Special Election to be held on Tuesday, August 28, 2018, in conjunction with the Primary Election for the purpose of presenting ballot questions to the City's electorate; and

**WHEREAS**, the City Commission hereby recognizes and approves early voting for the August 28, 2018 City of Miami Beach Special Election; and

**WHEREAS**, in recognition of the 2013 statutory amendments to Florida Statute Section 101.657(1)(d) governing "Early Voting," the City Commission hereby acknowledges that each County's Supervisor of Elections is required to provide for early voting to begin on the 10<sup>th</sup> day before an election that contains State or Federal races and end on the 3<sup>rd</sup> day before the election; and providing early voting for no less than 8 hours and no more than 12 hours per day at each site during the applicable period; in addition, early voting may be offered at the discretion of the Supervisor of Elections on the 15<sup>th</sup>, 14<sup>th</sup>, 13<sup>th</sup>, 12<sup>th</sup>, 11<sup>th</sup>, or 2<sup>nd</sup> day before an election that contains State or Federal races for at least 8 hours per day, but not more than 12 hours per day; and

**WHEREAS**, Florida's Election Code states that municipalities may provide early voting only in municipal elections that are not held in conjunction with County or State elections, therefore the County will be responsible for conducting early voting activities related to the City's August 28, 2018 Special Election; and

**WHEREAS**, the Miami-Dade County Supervisor of Elections has tentatively designated the following early voting schedule for the August 28, 2018 City of Miami Beach Special Election, and has tentatively designated Miami Beach City Hall, 1700 Convention Center Drive, and the North Shore Branch Library, 7501 Collins Avenue, as the early voting locations within the City of Miami Beach:

**WEEK 1:**

<b>DATE</b>	<b>TIME</b>
Monday, August 13, 2018	To Be Determined by Supervisor of Elections
Tuesday, August 14, 2018	To Be Determined by Supervisor of Elections
Wednesday, August 15, 2018	To Be Determined by Supervisor of Elections
Thursday, August 16, 2018	To Be Determined by Supervisor of Elections
Friday, August 17, 2018	To Be Determined by Supervisor of Elections
Saturday, August 18, 2018	To Be Determined by Supervisor of Elections
Sunday, August 19, 2018	To Be Determined by Supervisor of Elections

**WEEK 2:**

<b>DATE</b>	<b>TIME</b>
Monday, August 20, 2018	To Be Determined by Supervisor of Elections
Tuesday, August 21, 2018	To Be Determined by Supervisor of Elections
Wednesday, August 22, 2018	To Be Determined by Supervisor of Elections
Thursday, August 23, 2018	To Be Determined by Supervisor of Elections
Friday, August 24, 2018	To Be Determined by Supervisor of Elections
Saturday, August 25, 2018	To Be Determined by Supervisor of Elections
Sunday, August 26, 2018	To Be Determined by Supervisor of Elections



**WHEREAS**, the Miami-Dade County Elections Department has provided the City Clerk with an estimate of approximately \$31,000 for the City's August 28, 2018 Special Election, which includes the costs of 14 early voting days; and

**WHEREAS**, upon receipt from the Miami-Dade County Elections Department of the final early voting schedule and locations for the anticipated August 28, 2018 Special Election, the City Clerk will report this information to the Mayor and Commissioners via Letter to Commission (LTC), and will further post the information on the City's website.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, that the Mayor and City Commission hereby recognize and approve early voting for the August 28, 2018 City of Miami Beach Special Election, said early voting to be conducted in accordance with the provisions of this Resolution.

**PASSED and ADOPTED** this 27<sup>th</sup> day of June, 2018.

\_\_\_\_\_  
Dan Gelber, Mayor

ATTEST:

\_\_\_\_\_  
Rafael E. Granado, City Clerk

T:\AGENDA\2018\06 June\City Clerk\ELECTIONS\Early Voting Resolutions RESOLUTION.docx

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

*[Signature]* 6-21-18  
City Attorney Date  
NK

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Rafael E. Granado, City Clerk  
DATE: June 27, 2018

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE MIAMI-DADE COUNTY CANVASSING BOARD FOR THE AUGUST 28, 2018 PRIMARY ELECTION TO SERVE AS THE CANVASSING BOARD FOR THE CITY OF MIAMI BEACH'S SPECIAL ELECTION TO BE HELD ON AUGUST 28, 2018.

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### **RECOMMENDATION**

Approve the Resolution.

### **ANALYSIS**

On August 28, 2018, Miami-Dade County will be conducting the Primary Election, at which time the City Commission has authorized a Special Election to be held, in order to submit to the electorate of the City of Miami Beach the following two ballot questions:

#### **Question 1:**

Amending Composition of the Board of Adjustment

Section 2 of City's Related Special Acts establishes the Board of Adjustment ("BOA") with seven members, each representing one of the following professions: Law, architecture, engineering, real estate development, certified public accounting, financial consultation, and general business. Shall Section 2 be amended to provide that two of the BOA members shall be "citizens at-large" (no specific profession), and the remaining five members shall each represent one of the above professions?

\_\_\_\_\_ YES  
\_\_\_\_\_ NO

#### **Question 2:**

Amend City Charter to Increase the Annual Compensation of the Mayor and City Commissioners

Shall City Charter Section 2.02 be amended to change the annual compensation established in 1966, which has not been raised in 52 years, for the Mayor from \$10,000 to \$75,636, and for City Commissioners from \$6,000 to \$45,381; and also to authorize the City Commission, at a noticed public hearing, to allow an annual compensation increase based upon the Consumer Price Index,

issued by U.S. Department of Labor, not to exceed three percent per year?

\_\_\_\_\_ YES  
\_\_\_\_\_ NO

The Miami-Dade County Canvassing Board for the County's August 28, 2018 Primary Election is charged with the statutory responsibilities relating to the conduct of the subject election and is further charged to act consistent with said responsibilities as the Canvassing Board for the City of Miami Beach's August 28, 2018 Special Election.

The attached Resolution has thus been prepared for the purpose of formally authorizing the Miami-Dade County Canvassing Board to serve as the Canvassing Board for the City of Miami Beach's August 28, 2018 Special Election.

#### **CONCLUSION**

I hereby recommend that the Mayor and City Commission authorize the Miami-Dade County Canvassing Board for the August 28, 2018 Primary Election to act as the Canvassing Board for the City of Miami Beach's August 28, 2018 Special Election.

#### **FINANCIAL INFORMATION**

The Miami-Dade County Elections Department has provided the City Clerk with an estimate of approximately \$31,000 to conduct the August 28, 2018 Special Election, which includes the costs of 14 early voting days. (See Department of Election Estimate.) Additionally, the City will incur approximately \$31,100 in legally mandated advertisements, required by the Florida Statutes and the City Code, to notice this Special Election.

<b>Amount 1</b>	\$31,000	<b>Account 1</b>	011-9322-000312-90-400-592-00-00-00 - Election Cost
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<b>Amount 2</b>	\$31,100	<b>Account 2</b>	011-9322-000312-90-400-592-00-00-00 - Advertisement Cost
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<b>Total</b>	\$62,100
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#### **Legislative Tracking**

Office of the City Clerk

#### **ATTACHMENTS:**

##### **Description**

- ☐ Estimate from Miami-Dade County Elections
- ☐ Resolution



miamidade.gov

**Elections**  
2700 NW 87th Avenue  
Miami, Florida 33172  
T 305-499-8683 F 305-499-8547  
TTY 305-499-8480

## ESTIMATE

### Miami Beach Election - Piggyback on Primary Election- August 28, 2018

Rafael E. Granado, City Clerk  
City of Miami Beach  
1700 Convention Center Drive #200  
Miami Beach, FL 33139

Estimate N°: MB-PB-082818  
Estimate Date: July 17, 2017

Registered Voters:	50,833	Early Voting Days:	14
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<b>Personnel</b>	\$	-
<i>Salaries &amp; Fringe Benefits, Overtime, Poll Workers</i>		
<b>Polling Places</b>		-
<i>Security, Polling Place Rentals</i>		
<b>Supplies and Services</b>		-
<i>Absentee Ballots Set Up</i>		
<b>Trucks and Vehicles</b>		-
<i>Truck Rentals, GSA Vehicles</i>		
<b>Printing and Advertising</b>		25,416.50
<i>Absentee, Early Voting &amp; Precinct Ballots</i>		
<b>Postage</b>		-
<i>Absentee Ballots Sent and Business Reply</i>		
<b>Ballot Creation</b>		2,410.00
<i>In-House &amp; Outside Contractual Services, Translations - Based on one question</i>		
<b>Administrative Overhead</b>		2,782.65
<i>Indirect Costs, Logic &amp; Accuracy, Post-Election Audits</i>		
<b>*TOTAL</b>	<b>\$</b>	<b><u>30,609.15</u></b>

\* Please note these costs are estimates and are subject to change. This estimate does include the cost of ballot printing; however, if your question(s)/race(s) creates an additional ballot page, the cost will be adjusted accordingly.

For more information, you may contact:

Rena A. Saiter  
Assistant Deputy SOE-Finance and Administration  
Miami-Dade Elections Department  
2700 NW 87 Avenue  
Miami, Florida 33172

Office: 305-499-8424 E-mail: ras@miamidade.gov

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE MIAMI-DADE COUNTY CANVASSING BOARD FOR THE AUGUST 28, 2018 PRIMARY ELECTION TO SERVE AS THE CANVASSING BOARD FOR THE CITY OF MIAMI BEACH'S SPECIAL ELECTION TO BE HELD ON AUGUST 28, 2018.**

**WHEREAS**, on August 28, 2018, Miami-Dade County ("County") will be conducting the Primary Election, at which time the City of Miami Beach has authorized a Special Election to be held, in order to submit ballot questions to the electorate of the City of Miami Beach; and

**WHEREAS**, Miami-Dade County is charged with the full responsibility of conducting the subject Election, except for accepting the Miami-Dade County's Certificate of Election Results concerning the City of Miami Beach's Special Election, which duty is within the Miami Beach City Commission's purview; and

**WHEREAS**, the Miami-Dade County Canvassing Board for the County's August 28, 2018 Primary Election is charged with the statutory responsibilities relating to the conduct of the subject Election and is hereby further authorized to act consistent with said responsibilities as the Canvassing Board for the City of Miami Beach's August 28, 2018 Special Election.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH**, that the Miami-Dade County Canvassing Board for the August 28, 2018 Primary Election is hereby authorized to act as the Canvassing Board for the City of Miami Beach's August 28, 2018 Special Election.

**PASSED and ADOPTED** this 27<sup>th</sup> day of June, 2018.

ATTEST:

\_\_\_\_\_  
Dan Gelber, Mayor

\_\_\_\_\_  
Rafael E. Granado, City Clerk

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APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

Raul G. S.  
City Attorney

6-21-18  
Date

NK

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Rafael E. Granado, City Clerk  
DATE: June 27, 2018

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING FUNDING AND AN EXPENDITURE IN AN AMOUNT NOT TO EXCEED \$22,000.00 FOR THE PUBLIC PURPOSE OF INFORMING AND EDUCATING THE VOTERS OF THE CITY OF MIAMI BEACH REGARDING THE BALLOT QUESTIONS IN THE CITY'S SPECIAL ELECTION ON AUGUST 28, 2018, WHICH WILL BE HELD IN CONJUNCTION WITH THE PRIMARY ELECTION, IN ORDER TO ACHIEVE A MORE INFORMED ELECTORATE VOTE.

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### **RECOMMENDATION**

Adopt the Resolution.

### **ANALYSIS**

The voters of the City of Miami Beach will be presented with two (2) City Special Election ballot questions on the August 28, 2018 Primary Election. The subject of the City ballot questions are:

1. Amending the composition of the Board of Adjustment; and
2. Amending the City Charter to increase the annual compensation of the Mayor and City Commissioners.

The City Administration believes that educating the voters on these matters is in the public interest and serves a public purpose. In an effort to explain and educate the voters on each of these questions, the Administration will be preparing public education information through various methods, which may include video presentation on the City's cable channel, a voter's guide, and other means. As the MB Magazine does not publish in early August 2018 (scheduled publications are January, April, July, and October), the Administration is seeking funding in an amount not to exceed \$22,000.00, to produce a direct mailer and video, including the cost of printing, graphics, translation services, layout, mailing, postage, and other miscellaneous costs as needed to disseminate the information.

This expenditure will serve the public purpose given the City's reasonable expectation that these efforts at explaining the ballot questions and educating the voters will result in a more informed electorate vote, benefiting the public good.

### **CONCLUSION**

The Administration recommends that the Mayor and City Commission adopt the Resolution approving funding and an expenditure in an amount not to exceed \$22,000 for the public purpose of informing and educating the voters of the City of Miami Beach regarding the City Special Election ballot questions on the August 28, 2018 Primary Election in order to achieve a more informed electorate vote.

**FINANCIAL INFORMATION****Six (6) page voter's guide estimate:**

Printing 6 page voter's guide:	\$10,969.00
Postage:	\$9,000.00
Translation	\$1,500.00
<b>Total</b>	<b>\$21,469.00</b>
<b>Rounded up to the nearest thousand</b>	<b>\$22,000.00</b>

As of June 18, 2018, there were 40,760 registered voter households in the City of Miami Beach.

**Amount 1**    \$22,000.00      **Account 1**    011-9322-000312-90-400-592-00-00-00

**Legislative Tracking**

Office of the City Clerk/Office of the City Attorney/Marketing and Communications

**ATTACHMENTS:****Description**

- ▣ Resolution

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING FUNDING AND AN EXPENDITURE IN AN AMOUNT NOT TO EXCEED \$22,000.00 FOR THE PUBLIC PURPOSE OF INFORMING AND EDUCATING THE VOTERS OF THE CITY OF MIAMI BEACH REGARDING THE BALLOT QUESTIONS IN THE CITY'S SPECIAL ELECTION ON AUGUST 28, 2018, WHICH WILL BE HELD IN CONJUNCTION WITH THE PRIMARY ELECTION, IN ORDER TO ACHIEVE A MORE INFORMED ELECTORATE VOTE.

**WHEREAS**, the voters of the City of Miami Beach will be presented with two (2) City ballot questions in the City's Special Election on August 28, 2018, which will be held in conjunction with the Primary Election; and

**WHEREAS**, the subject of the City ballot questions are 1) Amending the composition of the Board of Adjustment; and 2) Amending the City Charter to increase the annual compensation of the Mayor and City Commissioners - all of which issues affect and involve the interests of the City of Miami Beach and its citizens; and

**WHEREAS**, the Miami Beach City Commission believes that educating the voters on these matters is in the public interest and serves a public purpose; and

**WHEREAS**, in an effort to explain and educate the voters on each of these questions through various methods that may include video presentation on the City's cable channel, a voter's guide, and other means, the Administration is requesting approval to spend up to \$22,000.00 in budgeted amounts for video production, printing, graphics, translation services, layout, mailing, advertising, postage and other miscellaneous costs as needed; and

**WHEREAS**, these expenditures will further serve the public purpose given the City's reasonable expectation that these efforts at explaining the ballot questions and educating the voters thereon will result in a more informed electorate vote, benefiting the public good.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, that the Mayor and City Commission herein state the public purpose of explaining to and educating the City's voters on the two (2) City Special Election ballot questions that will appear on the August 28, 2018 Primary Election, and thus approve the expenditure of budgeted funds up to \$22,000.00 in furtherance of the aforementioned public policy, which is intended to benefit the public good and serve a public purpose.

**PASSED and ADOPTED** this 27<sup>th</sup> day of June 2017.

**ATTEST:**

\_\_\_\_\_  
DAN GELBER, MAYOR

\_\_\_\_\_  
RAFAEL E. GRANADO, CITY CLERK

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APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

  
\_\_\_\_\_  
City Attorney

6/21/18  
\_\_\_\_\_  
Date  
NK



# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Raul J. Aguila, City Attorney  
DATE: June 27, 2018

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, STRONGLY URGING PRESIDENT DONALD TRUMP AND THE UNITED STATES CONGRESS TO TAKE IMMEDIATE STEPS TO REUNITE CHILDREN SEPARATED FROM THEIR PARENTS DUE TO IMMIGRATION DETENTIONS, AND TO PROHIBIT ANY FUTURE PARENT AND CHILD SEPARATIONS BY UNITED STATES IMMIGRATION AUTHORITIES.

---

### **RECOMMENDATION**

Pursuant to the request of Vice-Mayor Micky Steinberg, the above-referenced Resolution is submitted for consideration by the Mayor and City Commission at the June 27, 2018 City Commission meeting.

### **Legislative Tracking**

Office of the City Attorney

### **Sponsor**

Vice Mayor Micky Steinberg

### **ATTACHMENTS:**

#### **Description**

- Resolution - End the Policy and Practice of Separating Children

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, STRONGLY URGING PRESIDENT DONALD TRUMP AND THE UNITED STATES CONGRESS TO TAKE IMMEDIATE STEPS TO REUNITE CHILDREN SEPARATED FROM THEIR PARENTS DUE TO IMMIGRATION DETENTIONS, AND TO PROHIBIT ANY FUTURE PARENT AND CHILD SEPARATIONS BY UNITED STATES IMMIGRATION AUTHORITIES.**

**WHEREAS**, during the past few months, the Trump Administration implemented a policy and practice to separate children from their mothers and fathers when families were detained by immigration authorities at the U.S. border with Mexico; and

**WHEREAS**, previously, many families crossing the U.S. border unlawfully seeking refuge or asylum were released into the United States while their immigration cases were processed; and

**WHEREAS**, countless news reports in recent days have documented the agonizing cries of young children who were heartlessly taken from their parents and removed to prison-like detention facilities under directives from the Trump Administration, with no certainty of being reunited with their families; and

**WHEREAS**, the exercise of such strong-arm tactics against innocent children is unacceptable in a civilized society, and abhorrent to the principles of justice upon which this nation was founded, and

**WHEREAS**, in South Florida alone, a detention facility in Homestead is actively housing children and has an occupancy capacity of 1000; and

**WHEREAS**, stark reports from another detention facility in McAllen, Texas, show hundreds of adults and children separated in chain link enclosures, with little more than metal benches, thin sleeping pads, and mylar emergency sheeting to use as blankets; and

**WHEREAS**, on June 20, 2018, President Donald Trump signed an Executive Order which purports to end the separation of infants and children from their parents during immigration detentions, but does not address the fate of approximately 2,300 minors who have already been separated from their parents and, further, does not require that such children and parents be reunited; and

**WHEREAS**, the practice of separating minor children and infants from their parents is not only inhumane, but has resulted, and will continue to result, in mental trauma and suffering if solutions to reunite families are not implemented; and

**WHEREAS**, the Mayor and City Commission of the City of Miami Beach strongly urge President Donald Trump and the United States Congress to take immediate steps

to reunite infants and children with their mothers and fathers, and to prohibit any future parent and child separations by immigration authorities.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA,** that the Mayor and City Commission hereby strongly urge President Donald Trump and the United States Congress to take immediate steps to reunite children separated from their parents due to immigration detentions, and to prohibit any future parent and child separations by United States immigration authorities.

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2018.

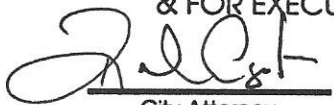
**ATTEST:**

\_\_\_\_\_  
Dan Gelber, Mayor

\_\_\_\_\_  
Rafael E. Granado, City Clerk

(Sponsored by Vice Mayor Micky Steinberg)

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

  
\_\_\_\_\_  
City Attorney *JK*

6/22/18  
\_\_\_\_\_  
Date

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Raul J. Aguila, City Attorney  
DATE: June 27, 2018

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, STRONGLY URGING THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN RESOURCES TO PROVIDE AND MAINTAIN ADEQUATE MEDICAL CARE, NUTRITION, HOUSING, AND EDUCATIONAL STANDARDS IN, AND TO PERMIT ACCESS BY ELECTED FEDERAL REPRESENTATIVES TO, FEDERAL IMMIGRATION DETENTION CENTERS AND SHELTERS FOR CHILDREN.

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### **RECOMMENDATION**

Pursuant to the request of Commissioner Michael Gongora, the above-referenced Resolution is submitted for consideration by the Mayor and City Commission at the June 27, 2018 City Commission meeting.

### **Legislative Tracking**

Office of the City Attorney

### **Sponsor**

Commissioner Michael Gongora

### **ATTACHMENTS:**

#### **Description**

- Reso-Urging HHR to maintain standards



RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, STRONGLY URGING THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN RESOURCES TO PROVIDE AND MAINTAIN ADEQUATE MEDICAL CARE, NUTRITION, HOUSING, AND EDUCATIONAL STANDARDS IN, AND TO PERMIT ACCESS BY ELECTED FEDERAL REPRESENTATIVES TO, FEDERAL IMMIGRATION DETENTION CENTERS AND SHELTERS FOR CHILDREN.**

**WHEREAS**, on June 20, 2018, President Trump signed an Executive Order purportedly ending a previously implemented “zero tolerance” immigration policy under which adults were criminally prosecuted for illegally crossing the U.S. border with Mexico; and

**WHEREAS**, under the “zero tolerance” policy, detained parents were separated from their children due to federal prohibitions on housing children in facilities for persons criminally detained; and

**WHEREAS**, although the policy and practice of family separation has been amended to prospectively prevent the separation of infants and children from their parents when detained by U.S. immigration authorities, approximately 2,300 children still remain in federal immigration facilities and continue to be separated from their families with no direction in the President’s Executive Order regarding a reuniting process, or how families will be detained together in the future; and

**WHEREAS**, recently, U.S. Senator Bill Nelson and U.S. Congresswoman Debbie Wasserman Shultz attempted to enter the Homestead Temporary Shelter for Unaccompanied Children in their humanitarian mission to assess the adequacy of the medical care, housing, education, and nutrition being provided to detained immigrant children, but they were denied access and information relative to the facility; and

**WHEREAS**, medical organizations in the areas of psychology, psychiatry, and pediatrics issued letters of protest regarding the “zero tolerance” policy noting the negative effects of separating migrant children from their parents and, as stated by the National Association of Pediatric Nurse Practitioners, “[t]raumatic life experiences in childhood, especially those that involve the loss of a caregiver or parent, cause lifelong risk for cardiovascular and mental health disease”; and, as noted by the president of the American Academy of Pediatrics, “[s]o many of these children know no other adult than the parent who brought them there”; and

**WHEREAS**, as long as children remain in federal immigration detention and shelter facilities, the honoring of basic human rights requires that the United States Department of Health and Human Resources provide and maintain adequate medical care, housing, nutrition, and educational standards, and allow access to such facilities by federal elected officials to monitor the well-being of the children.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, that the Mayor and City Commission hereby strongly urge the United States Department of Health and Human Resources to provide and maintain adequate medical care, nutrition, housing, and educational

standards in, and to permit access by elected federal officials to, federal immigration detention centers and shelters for children.

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2018.

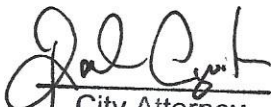
**ATTEST:**

\_\_\_\_\_  
Dan Gelber, Mayor

\_\_\_\_\_  
Rafael E. Granado, City Clerk

(Sponsored by Commissioner Michael Gongora )

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

  
\_\_\_\_\_  
City Attorney

6-22-18  
\_\_\_\_\_  
Date

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# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Raul J. Aguila, City Attorney  
DATE: June 27, 2018

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, CONDEMNING THE DENIAL OF ACCESS TO GOVERNMENT OFFICIALS TO IMMIGRATION DETENTION FACILITIES OR SHELTER FOR CHILDREN FOR HUMANITARIAN INSPECTIONS AND PURPOSES AND IMPOSING, AS OF THE DATE OF THE ADOPTION OF THIS RESOLUTION, A MORATORIUM ON THE CITY CONTRACTING WITH ANY ENTITY, OR SUBSIDIARY THEREOF, OPERATING DETENTION FACILITIES OR SHELTERS FOR CHILDREN DETAINED BY UNITED STATES IMMIGRATION AUTHORITIES UNTIL SUCH ENTITIES, OR SUBSIDIARIES THEREOF, PERMIT ACCESS TO SUCH FACILITIES BY GOVERNMENT OFFICIALS SEEKING ENTRY FOR INSPECTIONS AND HUMANITARIAN PURPOSES.

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### **RECOMMENDATION**

Pursuant to the request of Commissioner Ricky Arriola, the above-referenced Resolution is submitted for consideration by the Mayor and City Commission at the June 27, 2018 City Commission meeting.

### **Legislative Tracking**

Office of the City Attorney

### **Sponsor**

Commissioner Ricky Arriola

### **ATTACHMENTS:**

#### **Description**

- Resolution
- 061818 Ltr from Arriola to Gary G Palmer
- 061918 Miami Herald Article Nelson Wasserman



RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, CONDEMNING THE DENIAL OF ACCESS TO GOVERNMENT OFFICIALS TO IMMIGRATION DETENTION FACILITIES OR SHELTER FOR CHILDREN FOR HUMANITARIAN INSPECTIONS AND PURPOSES AND IMPOSING, AS OF THE DATE OF THE ADOPTION OF THIS RESOLUTION, A MORATORIUM ON THE CITY CONTRACTING WITH ANY ENTITY, OR SUBSIDIARY THEREOF, OPERATING DETENTION FACILITIES OR SHELTERS FOR CHILDREN DETAINED BY UNITED STATES IMMIGRATION AUTHORITIES UNTIL SUCH ENTITIES, OR SUBSIDIARIES THEREOF, PERMIT ACCESS TO SUCH FACILITIES BY GOVERNMENT OFFICIALS SEEKING ENTRY FOR INSPECTIONS AND HUMANITARIAN PURPOSES.**

**WHEREAS**, between April 2018 and the signing of an Executive Order on June 20, 2018, the Trump Administration, under a “zero tolerance” immigration policy, separated children, including infants, from their parents who were being criminally detained for unlawfully crossing the U.S. border with Mexico; and

**WHEREAS**, although the policy and practice of family separation has purportedly been amended to prospectively prevent the separation of infants and children from their parents when detained at the U.S. border, many questions still remain with regard to how children that are already detained will be reunited with their families, and the conditions under which children will be detained in the future; and

**WHEREAS**, in a recent attempt to verify the adequacy of the housing, education, nutrition, and care being provided to immigrant children that had been separated from their families, U.S. Senator Bill Nelson and U.S. Congresswoman Debbie Wasserman Shultz recently sought access to the Homestead Temporary Shelter for Unaccompanied Children, operated by Comprehensive Health Services, and were denied entrance; and

**WHEREAS**, any entity, or subsidiary thereof, that is managing or operating a shelter or detention facility for immigrant children that does not allow access to such facility by elected government officials that represent the interests of the public welfare, is in contradiction to our nation’s democratic values, and is so compelling of a nature as to seriously and directly affect the responsibility of such entity relative to a City of Miami Beach contract or subcontract; and

**WHEREAS**, any entity, or subsidiary thereof, that is operating an immigration detention center or shelter for children and that denies access to such facility by government officials for the humanitarian purposes of evaluating whether adequate and proper standards of housing, education, nutrition, and health care are being provided, should be prohibited from contracting with the City of Miami Beach until access by government officials seeking entry for inspections and humanitarian purposes is permitted.



**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA,** that the Mayor and City Commission hereby condemn the denial of access to government officials to immigration detention facilities and shelters for children for humanitarian inspections and purposes and hereby impose, as of the date of the adoption of this Resolution, a moratorium on the City contracting with any entity, or subsidiary thereof, operating detention facilities or shelters for children detained by United States immigration authorities until such entities, or their subsidiaries, permit access to such facilities or shelters by government officials seeking entry for humanitarian inspection purposes.

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2018.

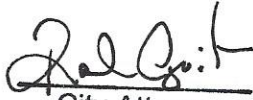
**ATTEST:**

\_\_\_\_\_  
Dan Gelber, Mayor

\_\_\_\_\_  
Rafael E. Granado, City Clerk

(Sponsored by Commissioner Ricky Arriola)

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

 6-22-18  
City Attorney Date



**RICKY ARRIOLA**  
COMMISSIONER

June 19, 2018

Gary G. Palmer  
Comprehensive Health Services  
8810 Astronaut Blvd  
Cape Canaveral, FL 32920

Dear Mr. Palmer,

I recently learned that your firm, Comprehensive Health Services, is running the detention center in Homestead where a reported 1,000 migrant children are in captivity.

<http://www.miaminewtimes.com/news/video-miami-child-migrant-compound-denies-nelson-wasserman-schultz-entry-10454112>

I also read that your staff refused entry on to the property by our US Florida Senator and Congresswoman. As an entity that relies on government contracts for much of its \$100 million in revenues, I believe this will prove to be a horrible mistake for your company.

Next week I am sponsoring legislation to ban your company and its subsidiaries from doing business in the City of Miami Beach so long as you continue to refuse the timely inspection of your facilities by our government representatives or their designees to ensure that these children are living in safe conditions; receiving proper medical care; being well fed and have access to emotional support services; and have adequate recreational and educational time.

Recent images of similar facilities across the nation have sparked horror throughout our society and have revealed that these facilities are little more than prisons — where children are locked in cages for up to 22 hours a day. While I have no idea what your facilities are like, I assume that your refusal to allow Senator Nelson and Congresswoman Wasserman Schultz to inspect the facilities indicates that you have something to hide.

The public needs the comfort of knowing that these children are receiving top-notch care. Until proven otherwise by our elected representatives, I will assume that your company is hiding something. I hope that I am wrong and that your facilities are first class.

I am free to speak with you at your convenience - I can be reached at 305 673 7107 or via email at [rickyarriola@miamibeachfl.gov](mailto:rickyarriola@miamibeachfl.gov).

I look forward to your response and would also welcome a tour of your facilities. Homestead is not far from my office.

Sincerely,

J. Ricky Arriola  
Miami Beach City Commissioner



HOMESTEAD - SOUTH DADE

## Nelson, Wasserman Schultz blocked from entering immigrant children shelter in Homestead

BY DAVID SMILEY, BRENDA MEDINA, ALEX DAUGHERTY AND DANIEL CHANG

*dsmiley@miamiherald.com*

*bmedina@miamiherald.com*

*adaugherty@mcclatchydc.com*

*dchang@miamiherald.com*

June 19, 2018 01:36 PM

Updated June 19, 2018 08:08 PM

Amid uproar over the federal government's break-up of families caught illegally crossing the U.S. border, state and federal lawmakers were denied entry Tuesday to a shelter in Homestead where 1,200 immigrant children are being held, including dozens separated from their parents.



U.S. Sen. Bill Nelson, U.S. Rep. Debbie Wasserman Schultz and state Rep. Kionne McGhee tried to enter the Homestead Temporary Shelter for Unaccompanied Children, a previously dormant youth center only recently reactivated by Health and Human Services. But with a gaggle of media looking on, the lawmakers were turned away.

"The company running this facility told us we would be welcomed to tour the facility," Nelson said on Twitter. "HHS then denied us entry and said that they need 'two weeks notice' to allow us inside. That's ridiculous and it's clear this administration is hiding something."

Some 1,192 children are being held at the center, 391 of them girls. Nelson and Wasserman Schultz said they're all between the ages of 13 and 17, and that 94 of them were separated from their families. Nationwide, HHS has about 12,000 minors in its custody.

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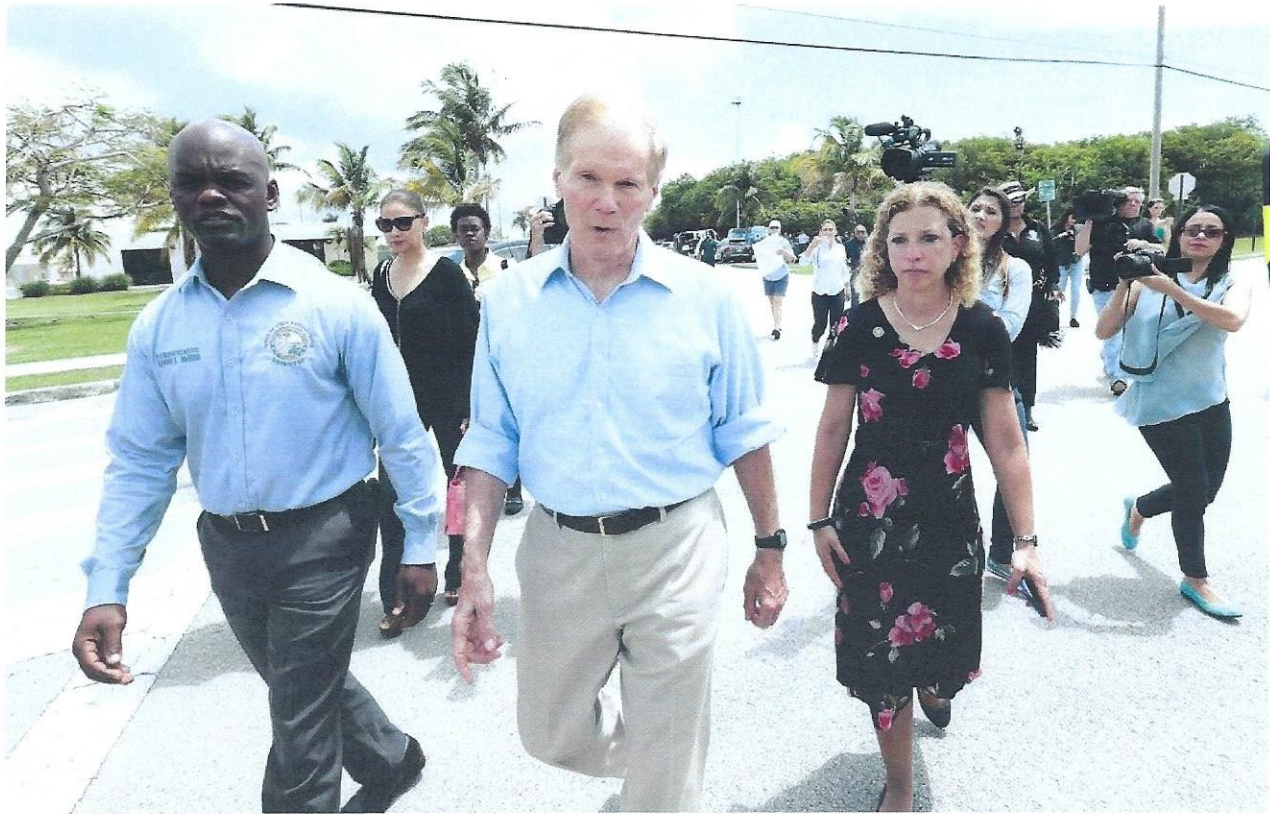
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"Are the kids sleeping on the floor?" Wasserman Schultz asked. "Are they putting them in cages like in Texas?"

McGhee, Nelson and Wasserman Schultz, all of them Democrats, were shut out as controversy erupted over a Trump administration decision to aggressively detain and charge immigrants caught crossing borders into the U.S. and place their children in federal custody. The practice has thrown fire onto an already combustible campaign season, and led to calls for the resignation of Homeland Security Secretary Kirstjen Nielsen.



U.S. Sen. Bill Nelson (D-FL), center, walks with U.S. Rep. Debbie Wasserman Schultz (D-FL), and Florida House Rep. Kionne L. McGhee to the entrance before being denied access to visit the Homestead Temporary Shelter For Unaccompanied Children on June 19, 2018, in Homestead, Florida.

**Joe Skipper** - Getty Images

Florida Republicans and Democrats alike slammed the policy this week, even as HHS Secretary Alex Azar said in Miami Tuesday that his department is "working to expand capacity to ensure we can properly care for the children." The Homestead shelter, for instance, opened amid a startling rush of unaccompanied child immigrants during the Obama administration, was shuttered last year after their numbers dwindled under Donald Trump, and then reopened quietly in February a few weeks before Trump rolled out his new "zero tolerance" strategy at the borders.

A Health and Human Services spokesman says the facility, located near the Homestead Air Base, is temporary. But Wasserman Schultz noted that there are two additional, long-standing shelters in Miami-Dade County housing migrant children taken into HHS custody. It's unclear, though, if any of those children were separated from their families.



"This is a policy created by President Trump, and he can end it in a nanosecond," said Nelson, who faces a tough reelection campaign against Gov. Rick Scott.

Nelson, Wasserman Schultz and McGhee had planned to tour the Homestead facility and even get some video as they hoped to see the conditions in which children are being held. Standing before a press gaggle, Nelson said he had information from a mother in Texas who says her son was taken to the Homestead shelter.

But as they walked across the street to pass through a gate to the shelter, which is run by HHS contractor Comprehensive Health Systems, the lawmakers were stopped by a staff member who said they weren't going to allow them in. "Right now you guys are trespassing on federal property," a uniformed man told them Tuesday.

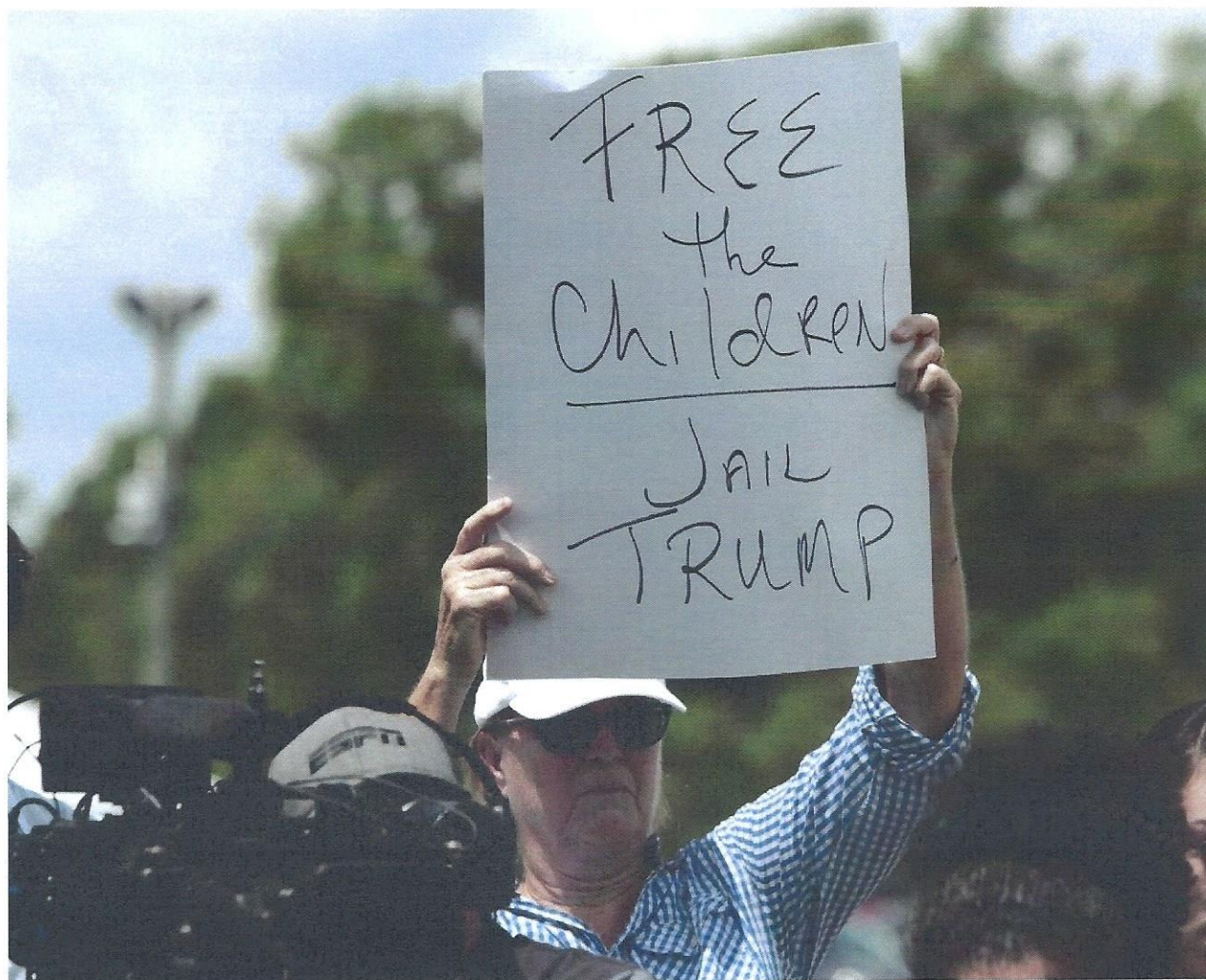
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Up to 1,000 children held by immigration authorities now living in Homestead compound



Miami, are we going to let 1,000 children be kept in detention in the dark? Speak up!



A protester holds up a sign during a press conference in front of the detention center in Homestead. U.S. Sen. Bill Nelson and U.S. Rep. Debbie Wasserman Schultz were denied entry to the Homestead Temporary Shelter for Unaccompanied Children.

**Jose A. Iglesias** - [jiglesias@elnuevoherald.com](mailto:jiglesias@elnuevoherald.com)

The trio walked to an office across the street from the shelter where they tried to get answers. Minutes later they were back in front of the cameras, questioning why the Trump administration wouldn't let them in.

"They are denying access to a sitting member of Congress, to a sitting U.S. senator and to the incoming [minority] leader of the Florida House, for what reason other than a coverup?" said McGhee. "Why don't they let us go in to set eye on these children? To make sure their safety is in place?"



An HHS spokesman declined to comment on additional shelters Tuesday, saying the department doesn't identify shelters of children in its program "for the safety and security of minors in the unaccompanied alien children program." But two facilities in Miami Gardens and Cutler Bay, both run by religious organizations, have housed unaccompanied minors for years.

His House, in Miami Gardens, has always been a shelter for orphaned kids and started taking in immigrant children four years ago, when thousands of children began streaming across U.S. borders. The shelter was designated by HHS' Office of Refugee Resettlement to care for unaccompanied child migrants, according to the organization's website.

Due to federal rules, executive director Silvia Smith-Torres could not say whether immigrant children who have been separated from their parents are currently living at the shelter. She said she was unable to provide the current number of immigrant children living at the facility, which was pegged at 120 during a Miami Herald visit in January.

In Cutler Bay, a facility known as Boystown also houses unaccompanied minors. After learning of its existence, Mayor Peggy Bell said she visited the shelter, now called Msgr. Bryan Walsh Children's Village, and was told it houses immigrant children but not whether any of them were separated from their parents.





Senator Bill Nelson and Congresswoman Debbie Wasserman Schultz are denied access to the Homestead facility by a security officer, left, while surrounded by media.

**Jose A. Iglesias** - [jiglesias@miamiherald.com](mailto:jiglesias@miamiherald.com)

HHS Secretary Azar told the Miami Herald Tuesday that all children taken into his agency's custody are well cared for, and that the "vast majority" come into the country without adult supervision. But he couldn't say how many children he expects to shelter.

"They get education. They get meals. They get medical care. They get daily athletics. But the number one thing we focus on with them, in addition to a safe environment, is also transitioning them to sponsors," said Azar. "It ends up 50 percent of the kids end up with their parents as their sponsors. About 40 percent on average end up with other family members here in the United States. And about 10 percent or so end up with non-related individuals, maybe foster care, other volunteers who want to take the child in."



On Monday, even as security at the Homestead shelter warned media that they were trespassing, a Miami Herald reporter was able to glimpse dozens of kids playing soccer in a field.

But the practice of taking children from their parents at the border has been widely condemned, and HHS has been criticized for its supervision of children under its custody. Miami Herald parent company McClatchy reported Tuesday, for instance, that the government had likely lost track of nearly 6,000 children whose sponsors had not kept in contact with federal officials.

On Tuesday, Gov. Scott slammed the practice of separating immigrant families and demanded in a letter to Azar that HHS keep the state informed of any children placed into Florida shelters after being taken from their families at the border.

In his own letter to Homeland Security Secretary Nielsen, Miami-Dade schools chief Alberto Carvalho complained that HHS had said nothing to his staff about the existence of hundreds of school-age children in Homestead, and pointed out that the district sent teachers to shelters during an influx of immigrant children during the Obama administration.

A spokeswoman for Curbelo also called on HHS Tuesday to provide more information about its operations, noting that the agency doesn't make a distinction internally between children who are separated from their families and those who enter the country as unaccompanied minors.

"Representative Curbelo is continuing to demand answers, and finds it troubling that federal elected officials seeking answers were turned away from the facility today," Joanna Rodriguez said. She added that Curbelo is calling on Trump to immediately end the practice of family separation, even as Congress attempts to fast-track legislation that would allow families to stay together.

Julio Calderon, a Honduran immigrant who crossed the border undocumented when he was 16 and temporarily placed in federal custody, doesn't buy that the Homestead facility is a shelter. He says it's a glorified detention center.

"Can they go with their families if they want to? Can they leave?" he asked. "For me, the question is, what's going to happen to these kids? What's next? How do they transition out of here? Can family members claim them? Will they be reunited with their parents? Or will they be deported?"

*Miami Herald staff writers Douglas Hanks, Kyra Gurney, Charles Rabin and Jacob Sweet contributed to this story.*

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Raul J. Aguila, City Attorney  
DATE: June 27, 2018

### First Reading

SUBJECT: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 62 OF THE CITY CODE, ENTITLED "HUMAN RELATIONS," BY CREATING ARTICLE VI THEREOF, TO BE ENTITLED "PROTECTION OF HOTEL AND HOSTEL EMPLOYEES FROM ASSAULT AND SEXUAL HARASSMENT," TO PROVIDE REGULATIONS REGARDING THE PERSONAL SAFETY OF CERTAIN HOTEL AND HOSTEL EMPLOYEES; PROVIDING FOR ENFORCEMENT AND PENALTIES; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

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### **RECOMMENDATION**

Pursuant to the request of Commissioner Kristen Rosen Gonzalez, and the recommendation of the Neighborhood/Community Affairs Committee (NCAC) at its meeting on June 20, 2018, the above-referenced revised and streamlined Ordinance is submitted for consideration by the Mayor and City Commission on First Reading. This revised Ordinance also addresses comments previously expressed at the April 11, 2018 City Commission meeting, which resulted in this matter being referred back to the NCAC, where it had been initially discussed on February 21, 2018 following a prior City Commission referral.

The new draft Ordinance requires hotel and hostel employers to a) provide a panic button or notification device to certain hotel or hostel employees; b) place a sign on the inside of each guest room door notifying guests that a panic button/notification device has been provided to such employees; and c) submit an affidavit with their annual BTR renewal stating that they are in compliance with the above requirements. Following an initial warning, penalties of \$500, \$1,000, and \$2,000 will be imposed, respectfully, for second, third, and fourth and subsequent violations within a preceding six (6) month period. The regulations would become effective January 1, 2019.

### **Legislative Tracking**

Office of the City Attorney/Code Compliance

### **Sponsor**

Commissioner Kristen Rosen Gonzalez

**ATTACHMENTS:**

**Description**

- ▣ Protection of Hospitality Employees

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 62 OF THE CITY CODE, ENTITLED "HUMAN RELATIONS," BY CREATING ARTICLE VI THEREOF, TO BE ENTITLED "PROTECTION OF HOTEL AND HOSTEL EMPLOYEES FROM ASSAULT AND SEXUAL HARASSMENT," TO PROVIDE REGULATIONS REGARDING THE PERSONAL SAFETY OF CERTAIN HOTEL AND HOSTEL EMPLOYEES; PROVIDING FOR ENFORCEMENT AND PENALTIES; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

**WHEREAS**, hotel and hostel employees are vital contributors to the community of the City of Miami Beach, and the hospitality industry is a profitable and important component of the City's economy that receives substantial taxpayer support; and

**WHEREAS**, due to the unique nature of their work, including work performed alone (or alone with a guest) in a guest room, certain hotel and hostel employees are subjected to a higher risk of harassment and violence on the job; and

**WHEREAS**, as a vast majority of hotel and hostel employees are women, the safety and harassment risks within the hospitality industry are of greater concern; and

**WHEREAS**, by adopting certain workplace safety protections, the hospitality industry can improve the personal safety and security of hotel and hostel employees; and

**WHEREAS**, the City has determined that it is appropriate and necessary to protect employees in the hospitality industry from assault and sexual harassment; and

**WHEREAS**, the proposed regulations promote the public health, safety, and welfare of the City, and should be adopted to accomplish the above objectives.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AS FOLLOWS:**

**SECTION 1.** Chapter 62 of the Code of the City Miami Beach is hereby amended to create Article VI thereof, to be entitled "Protection of Hotel Employees from Assault and Sexual Harassment," as follows:

**CHAPTER 62  
HUMAN RELATIONS**

\* \* \*

**Article VI. Protection of Hotel and Hostel Employees from  
Assault and Sexual Harassment.**



## **Sec. 62-204. Legislative intent.**

The legislative intent of this article is to protect certain hotel and hostel employees in the hospitality industry from violent assault, including sexual assault, and sexual harassment. Hotel and hostel employees often work alone (or alone with a guest) in a guest room or restroom, placing the employees at risk of violent assault, including sexual assault, and sexual harassment.

## **Sec. 62-205. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

"Guest" means any invitee to a hotel or hostel, including registered guests, persons occupying guest rooms with registered guests, visitors invited to guest rooms by a registered guest or other occupant of a guest room, persons patronizing food or beverage facilities provided by the hotel or hostel, or any other person whose presence at the hotel or hostel is permitted by the hotel or hostel employer. The term "guest" does not include employees.

"Guest room" means any room made available by a hotel or hostel for overnight occupancy by guests.

"Hotel or hostel employer" means any person, including a corporate officer or executive, who directly or indirectly or through an agent or any other person, including through the services of a temporary service or staffing agency or similar entity, employs or exercises control over the wages, hours, or working conditions of any employee, and who owns, controls, and/or operates a hotel or hostel in the City of Miami Beach; or a person who employs or exercises control over the wages, hours, or working conditions of any person employed in conjunction with a hotel or hostel employer in furtherance of the provision of lodging and other related services for the public.

"Hotel or hostel employee" or "employee" means any natural person who works full-time or part-time at a hotel or hostel for or under the direction of the hotel or hostel employer, or any subcontractor of the hotel or hostel employer, for wages or salary or remuneration of any type under a contract or subcontract of employment, whether express or implied.

"Panic button" or "notification device" means a portable emergency contact device that is designed so that an employee can quickly and easily activate such button or device to effectively summon prompt assistance to the employee's location by a hotel or hostel security officer, manager or other appropriate hotel or hostel staff member designated by the hotel or hostel employer.

"Person" means an individual, corporation, partnership, limited partnership, limited liability partnership, limited liability company, business trust, estate, trust, association, joint venture, agency, instrumentality, or any other legal or commercial entity, whether domestic or foreign.

"Restroom" means any room equipped with toilets.



"Sexual harassment" means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when submission to or rejection of this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment.

**Sec. 62-206. Requirement to provide panic button or notification device to certain employees.**

Each hotel or hostel employer shall:

- (a) Provide a panic button or notification device to each hotel or hostel employee that is a room attendant, housekeeping attendant, minibar attendant, room service server, and any other employee who is required to be in a guest room or restroom without other employees present. An employee may use the panic button or notification device if the employee reasonably believes there is an ongoing crime, harassment, or other emergency in the employee's presence. It is recognized that because of the varying size and physical layout of each hotel, different devices may be appropriate for different hotels. Panic buttons and notification devices shall be provided by the hotel or hostel employer at no cost to the employee.
- (b) Submit an affidavit, on a form prescribed by the city, with the annual renewal of the hotel's or hostel's City business tax receipt, stating that the hotel or hostel employer is in compliance with Sections 62-206(a) and 62-207.
- (c) The provisions in subsections 62-206(a) and (b) shall take effect January 1, 2019.

**Sec. 62-207. Determent of assaults by notifying guests of employee protections.**

Beginning January 1, 2019, each hotel and hostel shall place a sign on the inside of each guest room door, written in a font size of no less than 14 points, that includes (i) the following heading: "City Law Protects Hotel and Hostel Housekeepers and Other Employees from Violent Assault and Sexual Harassment"; (ii) a reference to chapter 62, article VI of this Code; and (iii) a notice informing guests that the hotel or hostel is providing panic buttons or notification devices to its housekeepers, room servers, and other employees assigned to work in guest rooms or restrooms without other employees present, in compliance with this article.

**Sec. 62-208. Enforcement; Penalties; Rights of violators.**

- (a) *Enforcement.* The code compliance department shall enforce this article. This shall not preclude other law enforcement agencies from any action to assure compliance with this article and all applicable laws. If a violation of this section is observed, the enforcement officer will be authorized to issue a notice of violation. The notice shall inform the violator of the nature of the violation, amount of fine for which the violator is liable, instructions and due date for paying the fine, that the violation may be appealed by requesting an administrative hearing before a special master within ten days after service of the notice of violation, and that the failure to appeal the violation within ten



days of service shall constitute an admission of the violation and a waiver of the right to a hearing.

(b) Penalties; fines.

The following civil fines shall be imposed for violations of this Article:

- (1) If the violation is the first offense, a person shall receive a written warning;
- (2) If the violation is the second violation within the preceding six months, a person shall receive a civil fine of \$500.00;
- (3) If the violation is the third violation within the preceding six months, a person shall receive a civil fine of \$1,000.00; and
- (4) If the violation is the fourth or subsequent violation within the preceding six months, a person shall receive a civil fine of \$2,000.00.

(c) Rights of violators; payment of fine; right to appear; failure to pay civil fine or to appeal; appeals from decisions of the special master.

- (1) A violator who has been served with a notice of violation must elect to either:
  - a. Pay the civil fine in the manner indicated on the notice of violation; or
  - b. Request an administrative hearing before a special master to appeal the notice of violation, which must be requested within ten days of the service of the notice of violation.
- (2) The procedures for appeal by administrative hearing of the notice of violation shall be as set forth in sections 30-72 and 30-73 of this Code. A request for the administrative hearing must be accompanied by a fee as approved by a resolution of the city commission, which shall be refunded if the named violator prevails in the appeal.
- (3) If the named violator, after issuance of the notice of violation, fails to pay the civil fine, or fails to timely request an administrative hearing before a special master, the special master may be informed of such failure by the code enforcement officer. The failure of the named violator to appeal the decision of the code enforcement officer within the prescribed time period shall constitute a waiver of the violator's right to an administrative hearing before the special master, and shall be treated as an admission of the violation, for which fines and penalties shall be assessed accordingly.
- (4) A certified copy of an order imposing a fine may be recorded in the public records, and thereafter shall constitute a lien upon any real or personal property owned by the violator, which may be enforced in the

same manner as a court judgment by the sheriffs of this state, including levy against the violator's real or personal property, but shall not be deemed to be a court judgment except for enforcement purposes. On or after the 61st day following the recording of any such lien that remains unpaid, the city may foreclose or otherwise execute upon the lien.

- (5) Any party aggrieved by a decision of a special master may appeal that decision to a court of competent jurisdiction.
- (6) The special master shall be prohibited from hearing the merits of the notice of violation or considering the timeliness of a request for an administrative hearing if the violator has failed to request an administrative hearing within ten days of the service of the notice of violation.
- (7) The special master shall not have discretion to alter the penalties prescribed in subsection (c)(1) herein.

## **SECTION 2. REPEALER.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

## **SECTION 3. SEVERABILITY.**

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

## **SECTION 4. CODIFICATION.**

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code of the City of Miami Beach, Florida. The sections of this Ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," article," or other appropriate word.

## **SECTION 5. EFFECTIVE DATE.**

This Ordinance shall take effect on the 1st day of January, 2019.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

**ATTEST:**

\_\_\_\_\_  
Dan Gelber, Mayor

\_\_\_\_\_  
Rafael E. Granado, City Clerk

Underline denotes additions  
~~Strike through~~ denotes deletions

(Sponsored by Commissioner Kristen Rosen Gonzalez)

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APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

Raul C. Gil  
City Attorney

6-21-18  
Date

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Jimmy L. Morales, City Manager  
DATE: June 27, 2018

**5:01 p.m. Public Hearing**

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING, BY 5/7TH VOTE, AND FOLLOWING A DULY NOTICED PUBLIC HEARING, THE NAMING OF THE BALLROOMS WITHIN THE MIAMI BEACH CONVENTION CENTER AS FOLLOWS: THE GRAND BALLROOM AS THE "GRAND BALLROOM," THE BALLROOM IN FRONT OF HALL A AS "OCEAN DRIVE ROOM," THE BALLROOM IN FRONT OF HALL D AS "LINCOLN ROAD ROOM," THE SPECIALTY SPACE BALLROOM AS "SUNSET VISTA SALON," AND THE JUNIOR BALLROOM/LEVEL 2 AS "ART DECO ROOM."

---

### **RECOMMENDATION**

The Administration strongly recommends that the Mayor and City Commission approve the naming of the Miami Beach Convention Center Ballrooms as follows: The Grand Ballroom to be named the "Grand Ballroom," the ballroom in front of Hall A to be named "Ocean Drive Room," the ballroom in front of Hall D to be named "Lincoln Road Room," the specialty space ballroom to be named "Sunset Vista Salon," the junior ballroom/Level 2 to be named "Art Deco Room."

### **ANALYSIS**

During the March 7, 2019 City Commission Meeting, Agenda Item C41 (Naming of ballroom facilities in the Miami Beach Convention Center) was referred to the NCAC.

During the March 21, 2018 NCAC meeting, the following referred proposed ballroom names were presented as developed by a collaborative team, including the Greater Miami Visitor and Convention Bureau ("GMCVB"), Spectra Management, JLL Consulting Services, and City staff for the five (5) Convention Center ballrooms:

1. Ocean Drive Room (in front of Hall A)
2. Lincoln Road Room (in front of Hall D)
3. Sunset Vista Salon (Specialty Space)
4. Carl Fisher Grand Ballroom (Grand Ballroom)
5. Collaboration Corner (Junior Ballroom/Level 2)

NCAC recommended all names, except "Collaboration Corner," to the full Commission for approval and requested that staff present alternative names for "Collaboration Corner" at the same Commission meeting.

At the April 11, 2019 City Commission meeting, staff recommendations for "Collaboration Corner"

included:

1. Collins Collaborations Corner
2. Banyan Ballroom
3. Mangrove Corner
4. Mangrove Shade
5. Espanola Way Room
6. Art Deco Room
7. Star Island Room

During the discussion, the Mayor and Commission considered modifying the name “Carl Fisher Grand Ballroom” to simply “Grand Ballroom.”

Also, alternative names were recommended and discussed for “Collaboration Corner,” including: “Art Deco Corner” and “Collins Corner.”

Specific names not previously recommended by NCAC must first go back to NCAC for a recommendation by the Committee before being re-presented to the Commission. However, ultimately, the recommended names need to be approved by a 5/7 vote of the Mayor and Commission at a public hearing to be set in conjunction with the acceptance of NCAC’s recommended names. To avoid having to go back and forth between NCAC and the City Commission multiple times, the Administration strongly recommended that the Commission develop consensus on all five ballroom names at the April 25, 2018 Commission Meeting.

On April 25, 2018 City Commission, the Commission accepted the NCAC recommendations as to Ocean Drive Room, Lincoln Road Room, and Sunset Vista Salon. The Commission also recommended "Grand Ballroom" for the grand ballroom space. The Commission also recommended "Art Deco Room" as the name for the previously suggested "Collaboration Corner" junior ballroom.

The names "Grand Ballroom" and "Art Deco Room" were referred to the Neighborhood/Community Affairs Committee.

On May 22, 2018, the Neighborhood/Community Affairs Committee approved the recommendation of naming the grand ballroom "Grand Ballroom" and the junior ballroom/level 2 "Art Deco Room" to the City Commission on June 6, 2018.

At the June 6, 2018 City Commission meeting, Resolution 2018-30342 was adopted setting a public hearing for June 27, 2018 to consider the proposed naming of the Miami Beach Convention Center Ballrooms as follows: The grand ballroom to be named the “Grand Ballroom,” the ballroom in front of Hall A to be named “Ocean Drive Room,” the ballroom in Front of Hall D to be named “Lincoln Road Room,” the specialty space ballroom to be named “Sunset Vista Salon,” the junior ballroom/Level 2 to be named “Art Deco Room.”

## **CONCLUSION**

The Administration recommends approval.

## **KEY INTENDED OUTCOMES SUPPORTED**

Maximize The Miami Beach Brand As A World Class Destination

## **Legislative Tracking**

**ATTACHMENTS:**

**Description**

- ▢ PH Reso MBCC Ballroom Names - Form Approved

## **RESOLUTION NO.**

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING, BY 5/7<sup>TH</sup> VOTE, AND FOLLOWING A DULY NOTICED PUBLIC HEARING, THE NAMING OF THE BALLROOMS WITHIN THE MIAMI BEACH CONVENTION CENTER AS FOLLOWS: THE GRAND BALLROOM AS THE "GRAND BALLROOM," THE BALLROOM IN FRONT OF HALL A AS "OCEAN DRIVE ROOM," THE BALLROOM IN FRONT OF HALL D AS "LINCOLN ROAD ROOM," THE SPECIALTY SPACE BALLROOM AS "SUNSET VISTA SALON," AND THE JUNIOR BALLROOM/LEVEL 2 AS "ART DECO ROOM."**

**WHEREAS**, during the March 7, 2018 City Commission Meeting, Agenda Item C41 (Naming of ballroom facilities in the Miami Beach Convention Center) was referred to the Neighborhood/Community Affairs Committee ("NCAC"); and

**WHEREAS**, during the March 21, 2018 NCAC meeting, the following referred proposed ballroom names were presented as developed by a collaborative team, including the Greater Miami Visitor and Convention Bureau ("GMCVB"), Spectra Management, JLL Consulting Services and City staff for the five (5) Convention Center ballrooms:

1. Ocean Drive Room (in front of Hall A)
2. Lincoln Road Room (in front of Hall D)
3. Sunset Vista Salon (Specialty Space)
4. Carl Fisher Grand Ballroom (Grand Ballroom)
5. Collaboration Corner (Junior Ballroom/Level 2)

The NCAC recommended all names, except "Collaboration Corner," to the full Commission for approval and requested that staff present alternative names for "Collaboration Corner" at the same Commission meeting; and

**WHEREAS**, during the April 11, 2019 City Commission meeting, staff recommendations for "Collaboration Corner" included:

1. Collins Collaborations Corner
2. Banyan Ballroom
3. Mangrove Corner
4. Mangrove Shade
5. Espanola Way Room
6. Art Deco Room
7. Star Island Room

During the discussion, the Mayor and City Commission considered modifying the name "Carl Fisher Grand Ballroom" to simply "Grand Ballroom." Also, alternative names were recommended and discussed for "Collaboration Corner," including: "Art Deco Corner" and "Collins Corner." The matter was deferred to the April 25, 2018 City Commission meeting for further discussion; and



**WHEREAS**, at its April 25, 2018 meeting, the City Commission expressed consensus as to the name "Ocean Drive Room" (ballroom in front of Hall A), "Lincoln Road Room" (ballroom in front of Hall D), "Sunset Vista Salon" (specialty space), "Grand Ballroom" for the grand ballroom space, and "Art Deco Room" as the name for the previously suggested "Collaboration Corner" junior ballroom/Level 2. The names "Grand Ballroom" and "Art Deco Room" were referred to the NCAC; and

**WHEREAS**, at its meeting on May 22, 2018, the NCAC recommended in favor of naming the grand ballroom as the "Grand Ballroom" and the junior ballroom/level 2 as the "Art Deco Room"; and

**WHEREAS**, at the June 6, 2018 City Commission meeting, the City Commission passed Resolution No. 2018-30342 which accepted the recommendations of the NCAC at its March 21, 2018 and May 22, 2018 meetings and, pursuant to Section 82-503 of the City Code, set a public hearing for June 27, 2018 to consider the proposed naming of the Miami Beach Convention Center ballrooms as follows: the grand ballroom to be named the "Grand Ballroom," the ballroom in front of Hall A to be named "Ocean Drive Room," the ballroom in front of Hall D to be named "Lincoln Road Room," the specialty space ballroom to be named "Sunset Vista Salon," and the junior ballroom/Level 2 to be named "Art Deco Room."

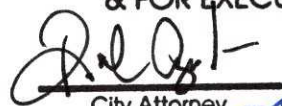

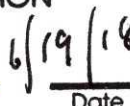
**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, that the Mayor and City Commission hereby approve, by 5/7<sup>th</sup> vote, and following a duly noticed public hearing, the naming of the ballrooms within the Miami Beach Convention Center as follows: the grand ballroom as the "Grand Ballroom," the ballroom in front of Hall A as "Ocean Drive Room," the ballroom in front of Hall D as "Lincoln Road Room," the specialty space ballroom as "Sunset Vista Salon," and the junior ballroom/Level 2 as "Art Deco Room."

**PASSED and ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

**ATTEST:**

\_\_\_\_\_  
DAN GELBER, MAYOR

\_\_\_\_\_  
RAFAEL E. GRANADO, CITY CLERK

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION  
  
\_\_\_\_\_  
City Attorney    
Date

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Jimmy L. Morales, City Manager  
DATE: June 27, 2018

**5:02 p.m. Public Hearing**

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING, BY 5/7TH VOTE, AND FOLLOWING A DULY NOTICED PUBLIC HEARING, THE NAMING OF THE CLUBHOUSE STRUCTURE LOCATED IN THE PARK TO THE NORTH OF THE MIAMI BEACH CONVENTION CENTER AS THE "CARL FISHER CLUBHOUSE."

---

### **RECOMMENDATION**

The Administration approve, pursuant to Section 82-503(a) of the City Code and following a duly noticed public hearing, the renaming of the clubhouse structure located in the park to the north of the Miami Beach Convention Center the 'Carl Fisher Clubhouse.'

### **ANALYSIS**

As the renovation of Miami Beach Convention Center nears completion, there is an opportunity to name the clubhouse located adjacent to the previously existing 21st Street Community Center (also known locally as Miami Beach Municipal Golf Clubhouse, and Carl Fisher Clubhouse).

The clubhouse, completed in 1916, is one of the oldest structures still standing in Miami Beach, and was constructed by Carl Fisher as the clubhouse for one of his three golf courses.

The Greater Miami Convention Center and City staff collaborated on suggested names for the clubhouse.

1. The Clubhouse,
2. The Old Clubhouse, and
3. The Historic Clubhouse

On May 16, 2018 City Commission Meeting Agenda Item C4 AK - Discussion Regarding Naming for the clubhouse was referred to the May 22, 2018 Neighborhood/Community Affairs ("NCAC") Committee.

During the May 22, 2018 NCAC meeting, NCAC recommended that the City Commission Name the clubhouse the "Carl Fisher Clubhouse."

During the June 6, 2018 City Commission meeting, the Commission set the public hearing for June 27, 2018 to consider the proposed naming the clubhouse structure located in the park to the north of the Miami Beach Convention Center the 'Carl Fisher Clubhouse.'



**CONCLUSION**

The Administration recommends the approval pursuant to Section 82-503(a) of the City Code and following a duly noticed public hearing and a 5/7th vote, the renaming of the clubhouse structure located in the park to the north of the Miami Beach Convention Center the 'Carl Fisher Clubhouse."

**KEY INTENDED OUTCOMES SUPPORTED**

Maximize The Miami Beach Brand As A World Class Destination

**Legislative Tracking**

Tourism, Culture and Economic Development

**ATTACHMENTS:****Description**

- ▣ PH Reso Carl Fisher Clubhouse - Form Approved

## **RESOLUTION NO.**

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING, BY 5/7<sup>TH</sup> VOTE, AND FOLLOWING A DULY NOTICED PUBLIC HEARING, THE NAMING OF THE CLUBHOUSE STRUCTURE LOCATED IN THE PARK TO THE NORTH OF THE MIAMI BEACH CONVENTION CENTER AS THE "CARL FISHER CLUBHOUSE."**

**WHEREAS**, as the renovation of Miami Beach Convention Center nears completion, there is an immediate opportunity to rename the park to the north of the Convention Center, the main park to the east of the Convention Center, and the clubhouse located adjacent to the 21st Street Street Community Center (also currently known as the Carl Fisher Clubhouse or the Miami Beach Municipal Golf Clubhouse) to reflect the spirit of the new Miami Beach Convention Center; and

**WHEREAS**, the clubhouse, completed in 1916, is one of the oldest structures still standing in Miami Beach, and was constructed by Carl Fisher as the clubhouse for one of the City's three golf courses; and

**WHEREAS**, the Greater Miami Convention and Visitor Bureau ("GMCVB") and City staff have collaborated on suggested names for the parks and clubhouse; and

The suggested names for the Main Convention Center Park were:

1. Convention Center Park, and
2. City Center Park;

The suggested names for the Northern Park were:

1. Clubhouse Park,
2. Tree of Life Park,
3. Great Fichus Park, and
4. North Convention Center Park

The suggested names for the Twenty-First Street Community Clubhouse were

1. The Clubhouse,
2. The Old Clubhouse, and
3. The Historic Clubhouse; and

**WHEREAS**, on the May 16, 2018 City Commission Meeting Agenda, Item C4 AK (Discussion Regarding Naming for the New Park to the North of the Convention Center; the main Convention Center park; and the Clubhouse) was referred to the May 22, 2018 Neighborhood/Community Affairs Committee ("NCAC"); and

**WHEREAS**, during the May 22, 2018 NCAC meeting, the proposed names were presented, with the exception of "Tree of Life Park," which was withdrawn by the City Administration due to counsel from the City Attorney that the name would require a referendum; and

**WHEREAS**, the NCAC recommended that the names for the main Convention Center park and the names for the northern park be submitted to the City of Miami Beach Commission For Women for its input and recommendations; and

**WHEREAS**, during its discussion, the NCAC also recommended that the City Commission name the clubhouse the "Carl Fisher Clubhouse," which is a current name for the facility; and

**WHEREAS**, at the June 6, 2018 City Commission meeting, the City Commission passed Resolution No. 2018-30343, which accepted the recommendation of the NCAC, at its May 22, 2018 meeting, to name the clubhouse structure located in the park to the north of the Miami Beach Convention Center as the "Carl Fisher Clubhouse" and, pursuant to Section 82-503 of the City Code, set a public hearing for June 27, 2018 to consider the proposed naming.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, that the Mayor and City Commission hereby approve, by 5/7<sup>th</sup> vote, and following a duly noticed public hearing, the naming of the clubhouse structure located in the park to the north of the Miami Beach Convention Center as the "Carl Fisher Clubhouse."

**PASSED and ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2018.

**ATTEST:**

\_\_\_\_\_  
DAN GELBER, MAYOR

\_\_\_\_\_  
RAFAEL E. GRANADO, CITY CLERK

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION  
  
\_\_\_\_\_  
City Attorney   
6/19/18  
\_\_\_\_\_  
Date

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Jimmy L. Morales, City Manager  
DATE: June 27, 2018

**5:03 p.m. Public Hearing**

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ADOPTING THE THIRD AMENDMENT TO THE GENERAL FUND, ENTERPRISE FUND, INTERNAL SERVICE FUND, AND SPECIAL REVENUE FUND BUDGETS FOR FISCAL YEAR (FY) 2017/18.

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### **RECOMMENDATION**

OBPI is requesting that this item be opened and continued to the July 2, 2018 Commission Meeting at 9:31 a.m.

### **Legislative Tracking**

Budget and Performance Improvement

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Jimmy L. Morales, City Manager  
DATE: June 27, 2018

**5:04 p.m. Public Hearing**

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ADOPTING THE SIXTH AMENDMENT TO THE CAPITAL BUDGET FOR FISCAL YEAR 2017/18, AS SET FORTH IN ATTACHMENTS A (SOURCE OF FUNDS), ATTACHMENT B (PROGRAMS), AND ATTACHMENT C (PROJECTS).

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### **RECOMMENDATION**

OBPI is requesting that this item be opened and continued to the July 2, 2018 Commission Meeting at 9:32 a.m..

### **Legislative Tracking**

Budget and Performance Improvement



# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Jimmy L. Morales, City Manager  
DATE: June 27, 2018

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CREATION OF A HOST COMMITTEE TO RAISE FUNDS FOR A GRAND OPENING GALA AND A CONCURRENT COMMUNITY OPEN HOUSE IN CELEBRATION OF THE NEWLY RENOVATED MIAMI BEACH CONVENTION CENTER, TO TAKE PLACE IN EARLY 2019, AUTHORIZING THE ACCEPTANCE OF DONATIONS MADE TO THE CITY OF MIAMI BEACH; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, SUBJECT TO BUDGET APPROPRIATION, TO MAKE SUCH EXPENDITURES AND/OR REIMBURSEMENTS FROM THE AFOREMENTIONED DONATIONS IN FURTHERANCE OF, AND CONSISTENT WITH, THE HOSTING OF A GRAND OPENING GALA AND COMMUNITY OPEN HOUSE.

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### ANALYSIS

### Legislative Tracking

Tourism, Culture and Economic Development

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Jimmy L. Morales, City Manager  
DATE: June 27, 2018

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING A LIMITED EXCEPTION TO SECTION 6(C) OF THE THIRD AMENDED AND RESTATED RULES AND REGULATIONS FOR BEACHFRONT CONCESSION OPERATIONS (PROHIBITING NEW APPLICATIONS FOR MOBILE COOKING/HEATING CONCESSION FACILITIES), AND APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE TEMPORARY LETTER AGREEMENTS WITH THOSE INTERESTED PRIVATE UPLAND PROPERTY OWNERS (CONCESSIONAIRES), LOCATED IMMEDIATELY WESTWARD OF THE BEACHFRONT, FOR A SIX MONTH PILOT PROGRAM IN ORDER TO EVALUATE THE MANAGEMENT AND OPERATION OF NO MORE THAN ONE (1) MOBILE COOKING/HEATING CONCESSION FACILITY, WHICH WILL BE LOCATED SEAWARD OF THE UPLAND PROPERTY; AND SHOULD THE ADMINISTRATION DETERMINE THAT THE PILOT PROGRAM WAS SUCCESSFUL, AUTHORIZING THE ADMINISTRATION TO SUBMIT PROPOSED MODIFICATIONS TO THE RULES AND REGULATIONS GOVERNING THE UTILIZATION OF MOBILE COOKING/HEATING CONCESSION FACILITIES AS PART OF THE BEACHFRONT CONCESSION AGREEMENTS ISSUED ANNUALLY TO THE UPLAND PROPERTY OWNERS.

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### ANALYSIS

### Legislative Tracking

Tourism, Culture and Economic Development

### ATTACHMENTS:

#### **Description**

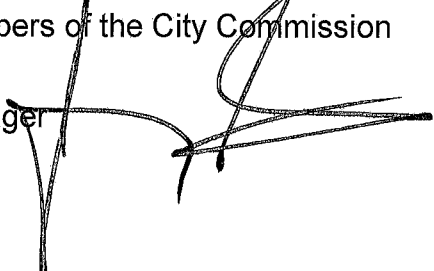
- Memorandum - Supplemental
- Draft Agreement - Supplemental
- Resolution - Supplemental

# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, [www.miamibeachfl.gov](http://www.miamibeachfl.gov)

## COMMISSION MEMORANDUM

TO: Mayor Dan Gelber and Members of the City Commission

FROM: Jimmy L. Morales, City Manager 

DATE: June 27, 2018

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING A LIMITED EXCEPTION TO SECTION 6(C) OF THE THIRD AMENDED AND RESTATED RULES AND REGULATIONS FOR BEACHFRONT CONCESSION OPERATIONS (PROHIBITING NEW APPLICATIONS FOR MOBILE COOKING/HEATING CONCESSION FACILITIES), AND APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE TEMPORARY LETTER AGREEMENTS WITH THOSE INTERESTED PRIVATE UPLAND PROPERTY OWNERS (CONCESSIONAIRES), LOCATED IMMEDIATELY WESTWARD OF THE BEACHFRONT, FOR A SIX MONTH PILOT PROGRAM IN ORDER TO EVALUATE THE MANAGEMENT AND OPERATION OF NO MORE THAN ONE (1) MOBILE COOKING/HEATING CONCESSION FACILITY, WHICH WILL BE LOCATED SEAWARD OF THE UPLAND PROPERTY; AND SHOULD THE ADMINISTRATION DETERMINE THAT THE PILOT PROGRAM WAS SUCCESSFUL, AUTHORIZING THE ADMINISTRATION TO SUBMIT PROPOSED MODIFICATIONS TO THE RULES AND REGULATIONS GOVERNING THE UTILIZATION OF MOBILE COOKING/HEATING CONCESSION FACILITIES AS PART OF THE BEACHFRONT CONCESSION AGREEMENTS ISSUED ANNUALLY TO THE UPLAND PROPERTY OWNERS.

### RECOMMENDATION

Adopt the Resolution.

## **BACKGROUND**

On May 11, 2016, the Mayor and City Commission adopted Resolution No. 2016-29403, approving the Third Amended and Restated Rules and Regulations for Beachfront Concession Operations (the "Rules and Regulations"). As part of the 2016 amendment to the Rules and Regulations, the City Commission implemented a two year deadline of May 11, 2018 for all food trailers ("mobile cooking/heating Concession Facilities") which were operating on the beachfront (five (5) at that time) to cease operations. The City does not authorize any mobile cooking/heating Concession Facilities on the beachfront pursuant to the 2016 amendment to the Rules and Regulation. At this time there are no food trailers operating on the beachfront.

At the June 6, 2018 Commission meeting, the Mayor and City Commission referred a discussion regarding the issuance of a Request for Proposals (RFP) for beachfront food trailers to the Finance and Citywide Projects Committee (FCWPC) at its July 27, 2018 meeting.

## **ANALYSIS**

The Administration recommends a pilot program for food trailers to be located seaward of upland hotels and condominiums, as the operators of these buildings are best suited to operate an adjacent food trailer. These would be utilized by the hotels and condominiums as mobile food and beverage serving stations and would provide faster and better service from the upland property to the public, residents and guests on the beachfront. The pilot program will assist in developing various considerations for the solicitation, including, but not limited to, the number of food trailers permitted to operate, placement locations for food trailer concessions, allowable goods and services to be sold at the concessions, pricing for allowable goods and services, physical requirements for the food trailers and associated equipment, and rent and/or revenue sharing consideration to the City.

The pilot program would be pursuant to a Letter Agreement, attached hereto in substantial form as Exhibit A – Letter Agreement, between the City and the upland property owner (Concessionaire). The agreement would be for six (6) months and the Concessionaire would pay the City a fee of \$10,000 monthly, plus applicable taxes. The mobile cooking/heating Concession Facilities must be operated by the upland property owner and subcontracting to third party operators is prohibited.

The concessionaires must obtain any and all necessary licenses and permits required for its concession operations and must comply with the City's insurance and indemnification requirements. The concessionaires are responsible for removal of all trash generated by their operations and the mobile cooking/heating Concession Facilities must be removed from the beachfront at the end of each day.

Upon completion, if the pilot program is deemed successful by the City Manager, the Administration recommends amending the Rules and Regulations governing the utilization of mobile cooking/heating Concession Facilities as part of the beachfront concession agreements issued annually to upland property owners.

**CONCLUSION**

The Administration recommends that the Mayor and City Commission approve the limited exception to Section 6(c) of the Rules and Regulations, and authorize the City Manager to execute temporary letter agreements (in the form attached hereto) for the use of mobile cooking/heating Concession Facilities during the pilot program for the fee of \$10,000 per month.

Exhibits:

A Letter Agreement

  
JLM/KGB/ES/MMM

T:\AGENDA\2018\06 June\TCED\June 27 Meeting\Food Trailers\Beachfront Concession Food Stations Memo 06-27-18  
3.docx



# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, FL 33139, www.miamibeachfl.gov

TOURISM, CULTURE AND ECONOMIC DEVELOPMENT DEPARTMENT  
Office of Real Estate  
Tel: 305-673-7193 / Fax: 786-394-4539

July 1, 2018

\_\_\_\_\_  
\_\_\_\_\_  
Miami Beach, FL 33139

**RE: TEMPORARY AUTHORIZATION TO OPERATE ONE (1) COOKING AND HEATING CONCESSION FACILITY (THE "MOBILE COOKING/HEATING CONCESSION FACILITY") SEAWARD OF \_\_\_\_\_ LOCATED AT \_\_\_\_\_ MIAMI BEACH, FLORIDA FOR THE LIMITED PERIOD COMMENCING JULY 1, 2018 AND ENDING DECEMBER 31, 2018.**

Dear \_\_\_\_\_:

Please be advised that the City of Miami Beach ("City") has concluded its review of your request for authorization to operate the above referenced beachfront concession. All of the required documentation has been appropriately submitted and your request has been approved subject to the following conditions:

1. \_\_\_\_\_ (hereinafter referred to as Upland Owner / Concessionaire) is hereby authorized to operate the following beach concession(s):

**Food and Non-Alcoholic Beverages (Cooking / Heating allowed) pursuant to Resolution No. 2018-\_\_\_\_\_ authorizing a limited exception to section 6(c) of the Third Amended and Restated Rules and Regulations for Beachfront Concession Operations (the "Rules and Regulations") for a six month pilot program, during which term Concessionaire shall be the site operator, as subcontracting for the operation of the mobile cooking/heating Concession Facility shall not be permitted.**

2. Any City Business Tax Receipt(s) required for the beachfront concession(s) authorized in Paragraph 1 above must be secured concurrent with your acceptance of the terms and conditions of said authorization. Said acceptance shall be deemed to have occurred upon execution of this Letter Agreement by all parties hereto. Please be reminded that the respective City Business Tax Receipt(s) must be obtained **prior** to the placement of any equipment or facilities on the beachfront and **prior** to commencement of any beachfront operation.
3. Concessionaire understands and agrees to submit to the City, concurrent with this fully executed Letter Agreement, the annual fee in the amount of \_\_\_\_\_ for use of the beachfront area located at \_\_\_\_\_. Said fee shall be subject to increases in accordance with the City's Business Tax Receipt rate schedule.
4. In exchange for use of the beachfront area to operate the mobile cooking/heating Concession Facility, Upland Owner / Concessionaire agrees to pay the City a monthly fee, in the amount equal to **Ten Thousand and 00/100 (\$10,000) Dollars**, plus applicable taxes, on or before the first day of each month during the term(s) of this Letter Agreement.
5. Concessionaire agrees that any change, modification, or other deviation or amendment to the Application for Beachfront Concession submitted pursuant to this request for authorization must be approved in writing by the City said approval to be at the City Manager's sole discretion, prior to implementation of same.
6. Nothing herein contained shall be construed to relieve the Concessionaire or its employees from

complying with the Rules and Regulations, subject to the approved exceptions set forth in Section 1 herein, or any other applicable City, County, State, or Federal laws or requirements. The City may provide notice of amendments to the Rules and Regulations as a courtesy; however, it shall ultimately be the Concessionaire's responsibility to be aware of and, as deemed necessary by Concessionaire, to obtain the latest version of the Rules and Regulations.

7. The authorization granted herein does not provide for the placement of any concession facility, or storage facility, on the beachfront unless such facilities have received appropriate City Design Review approval, if required.
8. Notwithstanding any provisions contained in the Rules and Regulations, Concessionaire agrees and understands that in the event a "Hurricane Warning" is issued by the Miami-Dade County Office of Emergency Management, **Concessionaire shall completely remove from the beach all Beach Concession trailers, dispensing facilities, stands, storage facilities, equipment, and all other items, within four (4) hours of said "Hurricane Warning."** Be further advised that failure to comply with the requirements contained in this paragraph may be considered grounds for termination of this authorization.
9. Concessionaire shall indemnify, defend and hold the City harmless from all claims, liability, losses, and causes of action which may arise out of the Concessionaire's operation and/or use of the beachfront pursuant to this authorization and shall pay all claims and losses of any nature whatsoever in connection therewith and shall defend all suits, in the name of the City, and shall pay all costs (including attorney's fees) and judgments which may issue thereon. This indemnification shall not be limited in any way by the type or amount of insurance carried by Concessionaire. For purposes of this Letter Agreement, Concessionaire shall be deemed to include any employees, agents, and/or any other person or entity acting under the direction or control of the Concessionaire. This paragraph is expressly intended to survive termination and/or expiration of this Letter Agreement.
10. Any litigation between the parties, arising out of, or in connection with this Letter Agreement, shall be initiated in the court system of the County of Miami-Dade, State of Florida.
11. The authorization granted herein shall not be construed to vest any additional rights upon the Concessionaire that do not otherwise exist, except for the privilege of temporary use of the beachfront in accordance with the conditions set forth herein, in the Rules and Regulations and all other applicable Municipal, State, County and Federal law.
12. Concessionaire is hereby notified that all beaches are public and, as such, concession operations shall not restrict, or appear to restrict access, or limit in any manner the public nature and/or ambiance of the beachfront. Concession facilities shall be deployed in a manner that assures public access and encourages public use of the beach, taking into consideration the characteristics of the individual property involved. Failure to comply with this paragraph may result in revocation of this authorization.

**NOTWITHSTANDING ANYTHING TO THE CONTRARY, THE CITY MANAGER MAY TERMINATE THIS LETTER AGREEMENT AND REVOKE THE CONCESSION AUTHORIZATION GRANTED HEREIN, AT ANY TIME AND AT ITS SOLE DISCRETION, FOR CONVENIENCE AND WITHOUT CAUSE, WITHOUT INCURRING ANY LIABILITY, BY PROVIDING THIRTY (30) DAYS WRITTEN NOTICE TO CONCESSIONAIRE, WHICH TERMINATION SHALL BE EFFECTIVE AS OF THE DATE SPECIFIED IN SAID WRITTEN NOTICE.**

The undersigned, \_\_\_\_\_, as authorized representative for \_\_\_\_\_, hereby understands and acknowledges the terms and conditions outlined above and agrees to abide therewith.

\_\_\_\_\_  
Authorized Representative for

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Jimmy L. Morales, City Manager

\_\_\_\_\_  
Date

RESOLUTION NO: \_\_\_\_\_

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING A LIMITED EXCEPTION TO SECTION 6(C) OF THE THIRD AMENDED AND RESTATED RULES AND REGULATIONS FOR BEACHFRONT CONCESSION OPERATIONS (PROHIBITING NEW APPLICATIONS FOR MOBILE COOKING/HEATING CONCESSION FACILITIES), AND APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE TEMPORARY LETTER AGREEMENTS WITH THOSE INTERESTED PRIVATE UPLAND PROPERTY OWNERS (CONCESSIONAIRES), LOCATED IMMEDIATELY WESTWARD OF THE BEACHFRONT, FOR A SIX MONTH PILOT PROGRAM IN ORDER TO EVALUATE THE MANAGEMENT AND OPERATION OF NO MORE THAN ONE (1) MOBILE COOKING/HEATING CONCESSION FACILITY, WHICH WILL BE LOCATED SEAWARD OF THE UPLAND PROPERTY; AND SHOULD THE ADMINISTRATION DETERMINE THAT THE PILOT PROGRAM WAS SUCCESSFUL, AUTHORIZING THE ADMINISTRATION TO SUBMIT PROPOSED MODIFICATIONS TO THE RULES AND REGULATIONS GOVERNING THE UTILIZATION OF MOBILE COOKING/HEATING CONCESSION FACILITIES AS PART OF THE BEACHFRONT CONCESSION AGREEMENTS ISSUED ANNUALLY TO THE UPLAND PROPERTY OWNERS.**

**WHEREAS**, on May 11, 2016, the Mayor and City Commission adopted Resolution No. 2016-29403, approving the Third Amended and Restated Rules and Regulations for Beachfront Concession Operations (the "Rules and Regulations"); and

**WHEREAS**, the City Commission implemented a two-year deadline for all food trailers ("mobile cooking/heating Concession Facilities"), which were operating on the beachfront (five (5) at that time), and required to cease operations pursuant to the 2016 amendment to the Rules and Regulations; and

**WHEREAS**, the City does not authorize any mobile cooking/heating Concession Facilities on the beachfront pursuant to the 2016 amendment to the Rules and Regulations; and

**WHEREAS**, at the June 6, 2018 City Commission meeting, the Mayor and City Commission referred a discussion regarding the issuance of a Request for Proposals (RFP) for beachfront mobile cooking/heating Concession Facilities to the Finance and Citywide Projects Committee (FCWPC) at its July 27, 2018 meeting; and

**WHEREAS**, the Administration recommends the implementation of a pilot program with interested upland property owners of hotels and condominiums ("Concessionaires"), located immediately westward of the beachfront, in order to assist the Administration in the development of a solicitation by evaluating the management and operation of these Concession Facilities, including, but not limited to, the number of serving stations permitted to operate, placement locations for the concessions,

allowable goods and services to be sold at the concessions, pricing for allowable goods and services, physical requirements for the serving stations and associated equipment, and rent and/or revenue sharing consideration to the City; and

**WHEREAS**, the Administration believes that these Concessionaires are best suited to operate an adjacent mobile food concession, and will provide faster and better service from the upland property to the public, residents and guests on the beachfront and would serve to assist the Administration in the development of a solicitation; and

**WHEREAS**, the pilot program will be operated pursuant to the Rules and Regulations, which, among other things, contain licensing, insurance and indemnification requirements, with the exception that under the pilot program the concession must be operated solely by the Concessionaire and subcontracting to third party operators is prohibited; and

**WHEREAS**, the Administration recommends that the Mayor and City Commission approve this limited exception to Section 6(c) to the Rules and Regulations, and authorize the City Manager to execute temporary letter agreements (in the form attached to the City Commission Memorandum accompanying this Resolution) for the use of mobile cooking/heating Concession Facilities during the pilot program for the fee of \$10,000 per month.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, that the Mayor and City Commission hereby approve a limited exception to Section 6(c) of the Third Amended and Restated Rules and Regulations for Beachfront Concession Operations (prohibiting new applications for mobile cooking/heating Concession Facilities), and approve and authorize the City Manager to execute temporary letter agreements with interested private upland property owners (Concessionaires), located immediately westward of the beachfront, for a six month pilot program in order to evaluate the management and operation of no more than one (1) mobile cooking/heating Concession Facility, which will be located seaward of the upland property; and should the Administration determine that the pilot program was successful, authorize the Administration to submit proposed modifications to the Rules and Regulations governing the utilization of mobile cooking/heating Concession Facilities as part of the beachfront concession agreements issued annually to the upland property owners.

**PASSED and ADOPTED THIS** \_\_\_\_\_ day of \_\_\_\_\_, 2018.

**ATTEST:**

\_\_\_\_\_  
Rafael, E. Granado, City Clerk

\_\_\_\_\_  
Dan Gelber, Mayor

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

\_\_\_\_\_  
City Attorney

6/25/18  
\_\_\_\_\_  
Date

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Commissioner Michael Gongora  
DATE: June 27, 2018

SUBJECT: INTRODUCTION OF THE NEWLY ELECTED DISTRICT 5 MIAMI-DADE COUNTY  
COMMISSIONER EILEEN HIGGINS.

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### Legislative Tracking

Commissioner Michael Gongora

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Jimmy L. Morales, City Manager  
DATE: June 27, 2018

SUBJECT: DISCUSS THE PRELIMINARY DESIGN PLANS AND REPORT BY DOVER KOHL FOR THE FUTURE USE OF THE NORTH BEACH WEST LOTS.

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### **RECOMMENDATION**

Administration is seeking direction and input from the City Commission on the design plans and recommendations by Dover, Kohl, & Partners for the future use of the North Beach West Lots.

### **BACKGROUND**

The City-owned property known as the “West Lots” consists of 8 city blocks of land located on the West side of Collins Avenue, directly across the street from the North Shore Open Space Park. Currently, four of the blocks are developed as off-street parking, two blocks are vacant, and one block is being temporarily used by Ocean Rescue for their headquarters, and one block is being utilized by the Parking Department. The North Beach Master plan identified the West Lots as highly potential spaces for future mixed-use development. It is believed that the development of these lots have the opportunity to add additional recreational/civic spaces as well as retail and dining options to the neighboring community. The master plan suggested two scenarios for potential development: 1) Mid-rise and residential development on four of the eight lots to be considered for public/private partnerships, with the remaining four lots to remain available for civic uses; 2) primarily public uses such a hotel, various active public and civic spaces along with a parking structure. Both of these scenarios were included in the adopted North Beach Master Plan.

A resolution was passed at the December 13, 2017 City Commission meeting authorizing the City to hire and retain Dover, Kohl, & Partners, the principle designers for the North Beach Master Plan, to develop a conceptual design plan for the future development of the West Lots. The City entered into an agreement with the agency in April 2018.

### **ANALYSIS**

At the December 13, 2017 Commission meeting, a resolution was adopted authorizing the City to retain Dover, Kohl, & Partners (DKP) to analyze and develop a design plan for the future use of the eight vacant West Lots. The baseline for this analysis came from the recommendations and ideas put forth from the North Beach Master Plan. The plan identified the West Lots as potential catalytic development sites that could increase economic opportunity and neighborhood vibrancy.

Beginning the week of April 30, DKP hosted a series of community charrettes and meetings to inform this conceptual design plan. At the public ideas kick-off session on Monday, April 30, 2018 Dover



Kohl led participants in an interactive exercise that allowed residents to provide input on how they would like to see the West Lots developed.

Following the kick-off session, Dover Kohl held open studio hours at the Miami Beach Rowing Center on Tuesday, May 1, 2018 and Wednesday, May 2, 2018, allowing for community members to provide input on the West Lots and feedback to potential usage ideas. A public share out session was hosted on Thursday, May 3, 2018 where members of Dover Kohl provided a summary of ideas and concepts that were generated from the weeks public meetings. Additionally, DKP had individual meetings with the Commissioners to solicit feedback and ideas to integrate within the design plans.

A parallel recommendation was also developed by DKP in regards to potential placement and usage for the Log Cabin. This was reviewed and discussed at the May 18, 2018 Finance and Citywide Projects Committee, with Committee direction to place the Log Cabin in the North Shore Oceanside Park and to restore the Log Cabin for a mixed used community center to operate as a café or concession. This resolution was passed at the June 6, 2018 Commission agenda for approval.

On June 6, 2018, Jason King from Dover, Kohl & Partners presented the initial findings and ideas to the Commission. Jason reviewed the feedback generated from the public forums and the overall consensus for resiliency, temporary structures, and creating an active space for the passive park across the street (North Shore Oceanside Park). The Commission directed Staff and DKP to further analyze parking and the increase need for parking within the West Lots. Commission also directed DKP to run a cost analysis on the development of these vacant lots and the economic impact both to the City and the North Beach community.

The Commission requested that Dover, Kohl, & Partners finalize their recommendations and present at the June 27, 2018 City Commission meeting.

## **CONCLUSION**

Administration seeks further direction on the recommendations by Dover, Kohl, & Partners for the future use of the North Beach West Lots.

## **Legislative Tracking**

Tourism, Culture and Economic Development

## **ATTACHMENTS:**

### **Description**

- PowerPoint - Supplemental

**DRAFT**

# WEST LOTS NORTH BEACH

A COMMUNITY INPUT DISCUSSION

MIAMI BEACH

DOVER, KOHL & PARTNERS  
town planning

# WHAT ARE WEST LOTS?

West Lots are eight  
city-owned lots  
(half-blocks)  
between  
79<sup>th</sup> & 87<sup>th</sup> Street  
on Collins  
across from North Beach  
Oceanside Park





# APRIL 30 TO MAY 3, 2018: PUBLIC WORKSHOP



Page 72 of 107



75+ attendees



**DRAFT**

# WHAT WE HEARD: A TOP 5

1) Grow **with consensus** in ways that enhance North Beach's uniqueness.

2) Provide **active uses** to support the **passive park**.

What's the big idea for West Lots? North Beach Oceanside Park.

3) **Higher-height** (if needed) and revenue-generating uses, on **edges**.

4) Showcase **resilience** and **sustainability**

5) Don't lose **parking** but improve transit **access**



Provide **active uses** to support the **passive park**.

Other temporary uses which could become permanent  
(if they are popular)



Market Hall



Botanical Gardens



Monstrum art/play parks



Splash Pad



Outdoor Dining



Bike shop/coffee shops



Tulleries in Paris



Art Space



Eco Hotel



# Showcase **resilience**



Resilience labs



Innovation Campus

Other temporary uses  
which could become  
permanent  
(if they are popular)



Stormwater Bio-Park in Atlanta



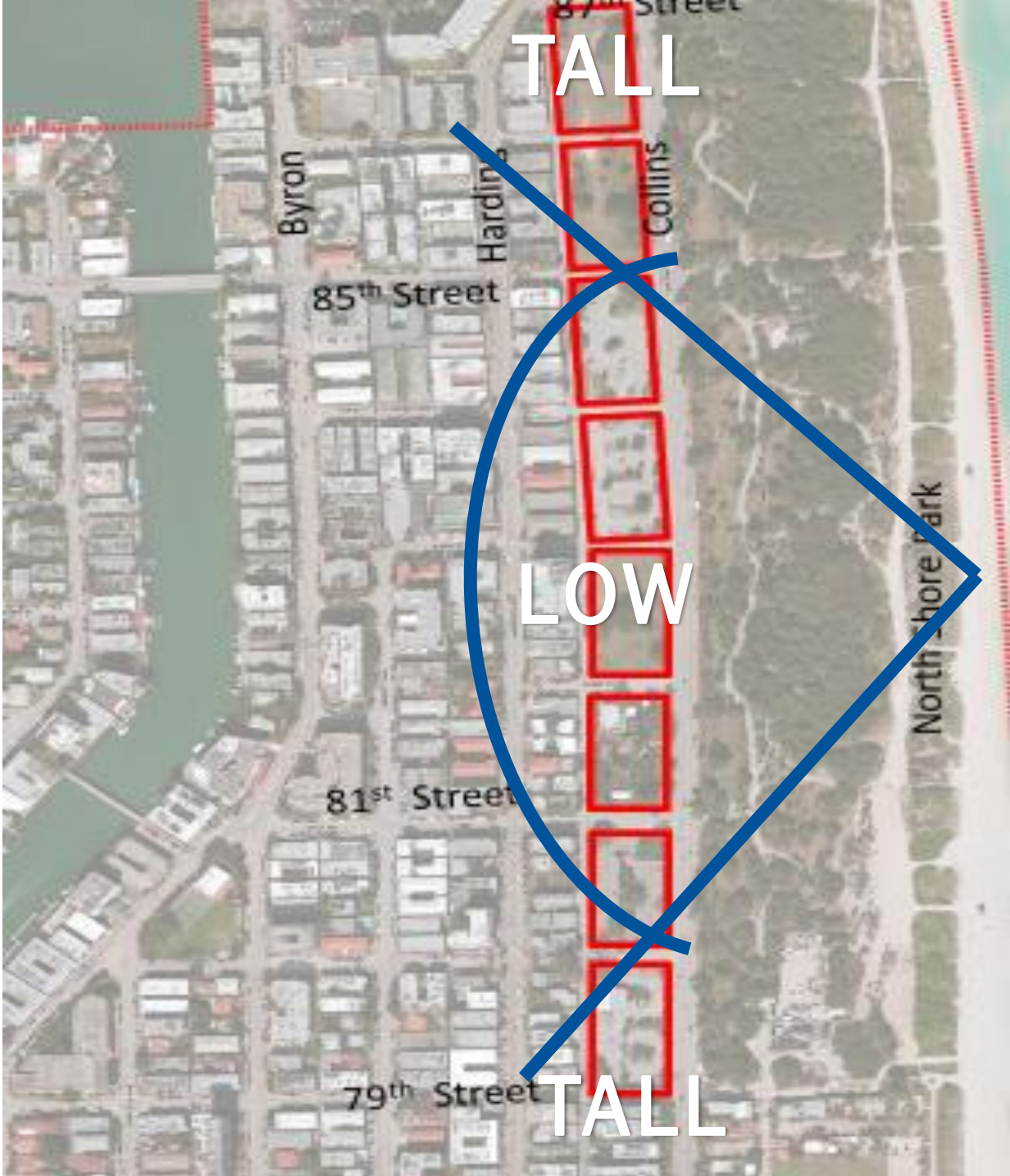
Water Square in Rotterdam

WHAT WE  
HEARD:  
**THE VIEW FROM  
THE BEACH**



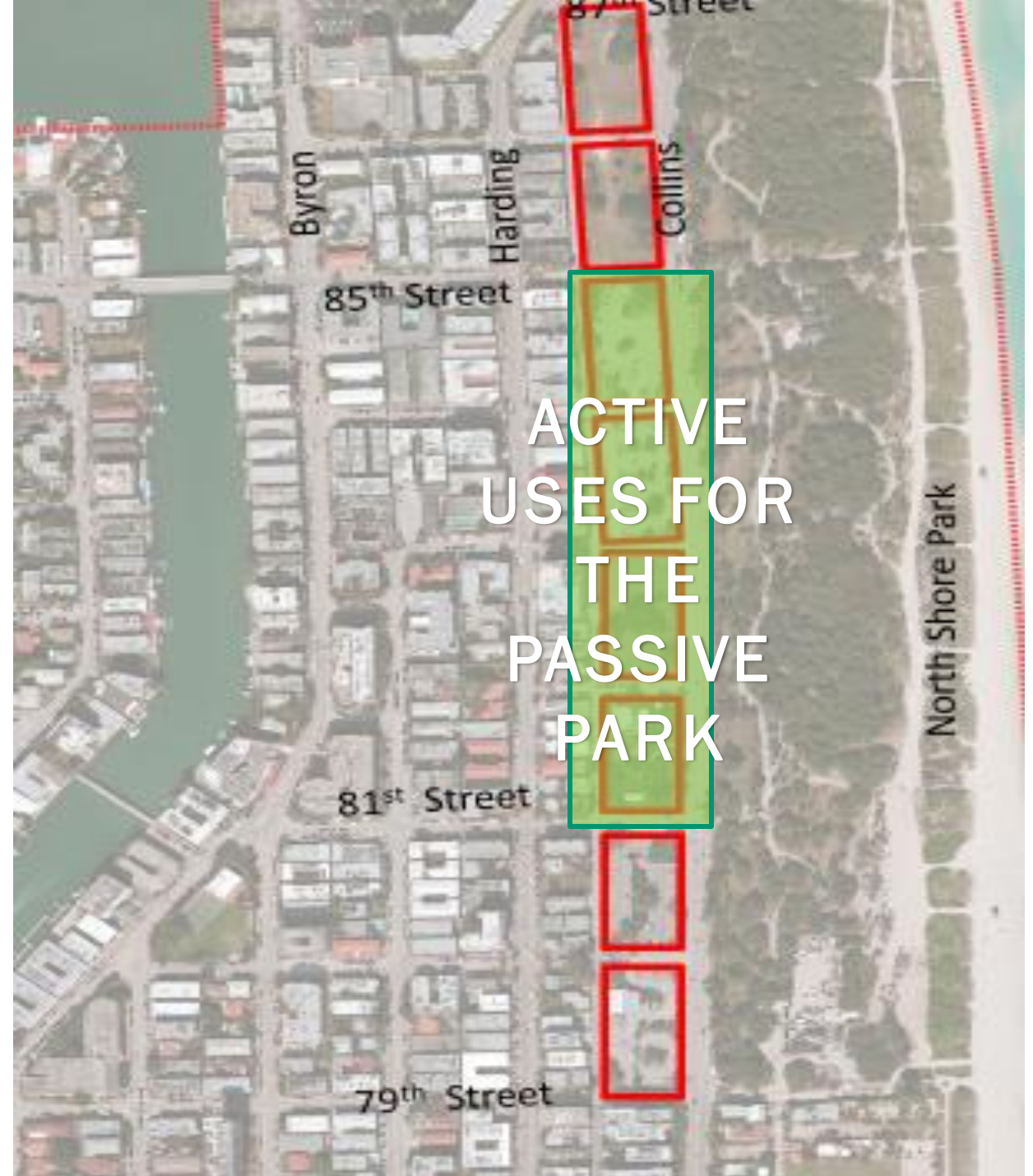


WHAT WE  
HEARD:  
THE VIEW FROM  
THE BEACH



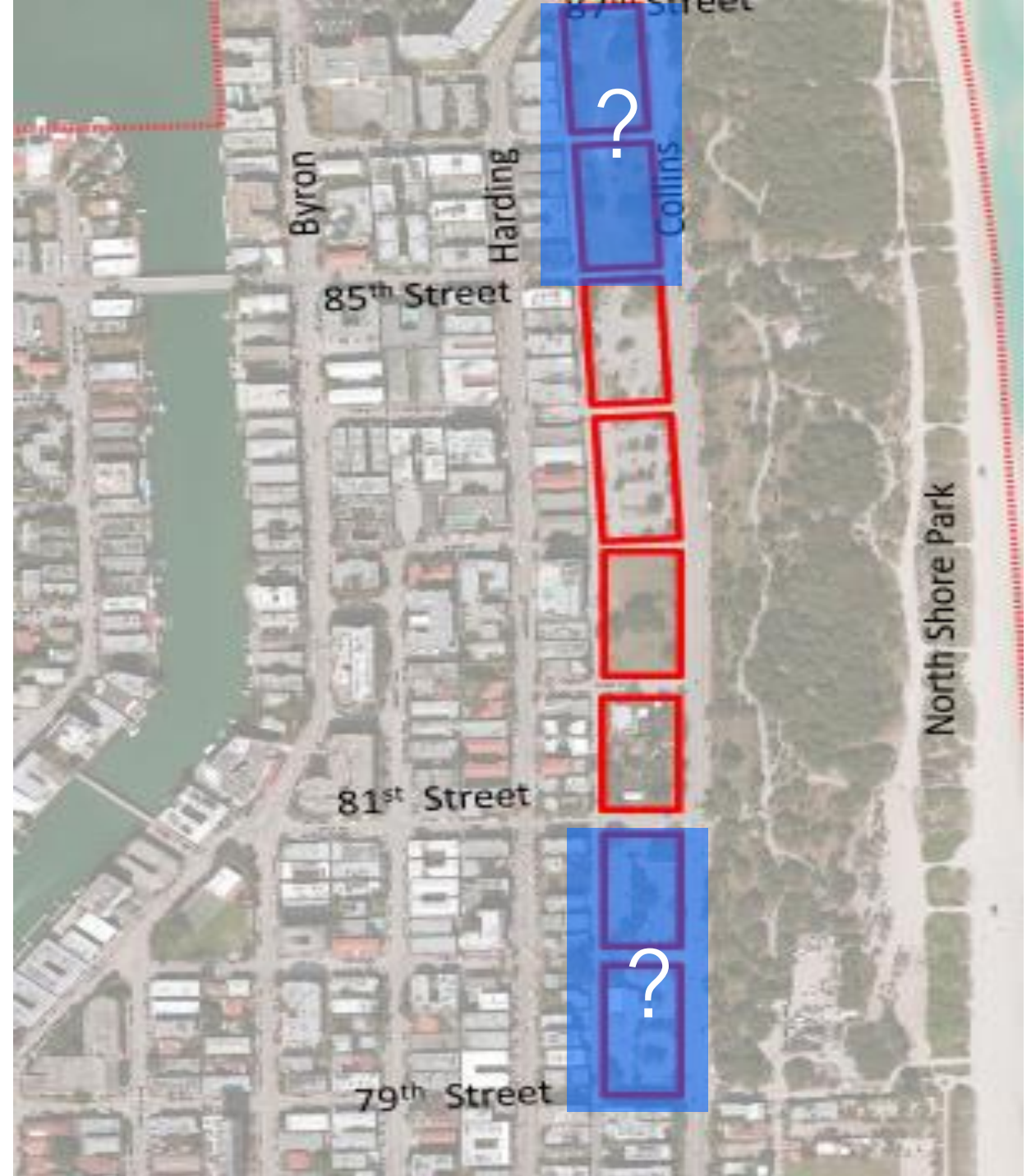
# WHAT WE HEARD: ACTIVE USES FOR THE PASSIVE PARK

Low-impact, active, civic/social  
uses which compliment the  
passive park on the mid-blocks.

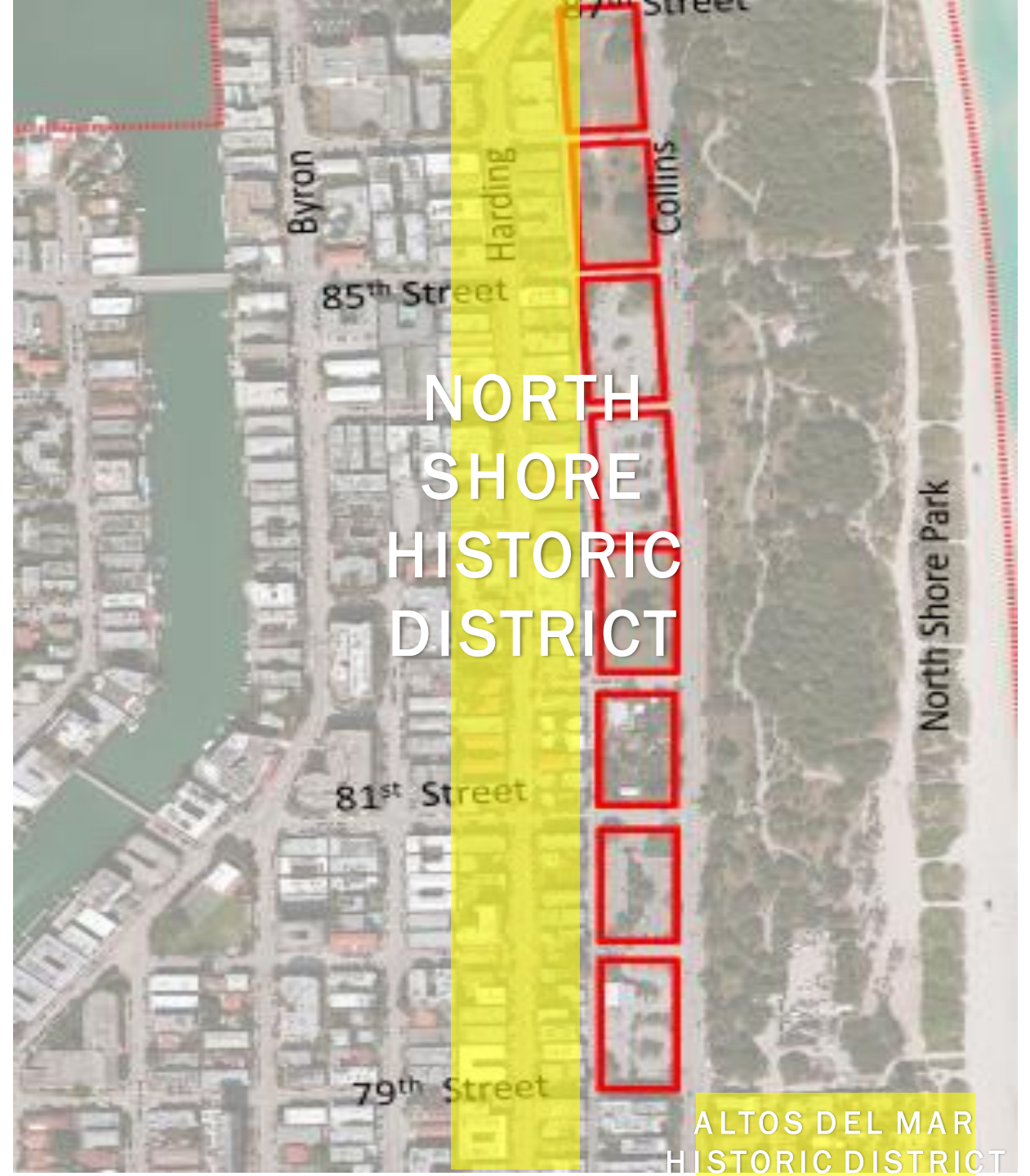




# WHAT WE HEARD: TALLER NEAR THE EXISTING CENTERS



WHAT WE HEARD:  
EVERYTHING MUST  
RESPECT THE  
HISTORIC DISTRICTS





# OVERALL MAP





# OVERALL ECONOMIC ANALYSIS SUMMARY

## General ASSUMPTIONS

- City will issue an RFP for any parcel with commercial viability
- RFP will provide any constraints for social mission, as needed
- Results do not include capital stack or financing
- Ground leases set at 6-7.5% of estimated or appraised land value
- NOI for ground lease calculation based on private sector NOI only
- Land value uses a discount rate between 8-15%, depending on use and risk
- Until final sizing, costs and other factors that are currently unknown are determined, ground leases reflect industry knowledge and judgment, but will swing widely in value should key inputs change

- Assumed lease rates are net to the developer. rates paid by users would be the developers rate plus ground lease plus expenses passed through (insurance, taxes, utilities and CAM)
- The financial and economic analysis evaluates cashflow generation potential for the lots as developed in concert with the city and public. With the exception of Lot 8 (the Teen and Technology Center), the land values and associated potential ground lease values reflect the net present value of the cashflows, not appraised values

*\*The analysis is not final, additional validation is required to finalize the figures.*

Lot		1	2	Not included 3	4	Sold 5	6	7	8
Name		Parking	Park	NoBe Yard	Water square	Dining Park	Play	Boho	Teen & Research Center
Developer		PPP	City	Private	City	Private	City	City	Private
<b>Total Value Created in Private Sector: \$ 33,840,000</b>									
<b>Private sector</b>									
Development	\$ (70,867,842)	\$ (8,178,590)	\$ -	\$ -	\$ -	\$ (12,911,429)	\$ -	\$ (4,148,573)	\$ (45,629,250)
Stabilized annual operations return (ops Y1)	\$ 7,596,470	\$ 1,140,000	\$ -	\$ -	\$ -	\$ 1,535,888	\$ -	\$ 246,582	\$ 4,674,000
Capitalized stabilized operations return	\$ 97,111,313	\$ 13,571,429	\$ -	\$ -	\$ -	\$ 18,284,385	\$ -	\$ 2,935,500	\$ 62,320,000
<b>Value created</b>	<b>\$ 33,839,942</b>	<b>\$ 6,532,838</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 6,908,844</b>	<b>\$ -</b>	<b>\$ (966,491)</b>	<b>\$ 21,364,750</b>
<b>Total Investment in Public Sector: \$ 26,170,000</b>									
<b>Public sector</b>									
Development	\$ (26,170,745)	\$ (10,328,417)	\$ (1,256,119)	\$ -	\$ (1,638,374)	\$ -	\$ (5,528,444)	\$ -	\$ (7,419,390)
Ground lease during stabilized operations (ops Y1)	\$ 1,221,587	\$ 223,244	\$ -	\$ -	\$ -	\$ -	\$ -	\$ (81,657)	\$ 1,080,000
Capitalized ground lease value	\$ 16,085,557	\$ 2,657,661	\$ -	\$ -	\$ -	\$ -	\$ -	\$ (972,104)	\$ 14,400,000
Stabilized annual operations return (ops Y1)	\$ 1,592,420	\$ 826,320	\$ -	\$ -	\$ 59,850	\$ -	\$ 306,250	\$ -	\$ 400,000
Capitalized stabilized operations return	\$ 19,315,060	\$ 9,837,143	\$ -	\$ -	\$ 498,750	\$ -	\$ 3,645,833	\$ -	\$ 5,333,333
Sales revenue	\$ 890,856					\$ 1,944,617		\$ (1,053,761)	
<b>Value created</b>	<b>\$ 12,934,734</b>	<b>\$ 3,215,951</b>	<b>\$ (1,256,119)</b>	<b>\$ -</b>	<b>\$ (1,079,774)</b>	<b>\$ 1,944,617</b>	<b>\$ (1,576,361)</b>	<b>\$ (2,107,522)</b>	<b>\$ 13,793,943</b>

# LOT 1

Parking Garage & Cafe





# LOT 1 Parking Garage & Cafe



## KEY ASSUMPTIONS

- City issues an RFP for identified uses for a fee developer for the parking garage and developer owner for wrapped uses
- City retains parking structure and operations; private developer leases land for wrapped uses from city
- Parking assumptions are stalls \* 365 days \* 24 hours/day \* \$1 hour \* 50% utilization

## Lot Data

LAND USE TYPES	LOT 1
<b>retail &amp; mixed use</b>	<b>20,240</b>
Café & restaurants	20240
Market hall	
Bikeshop & coffeeshop	
Bohemian Artist & local food village	
Concessions & Rentals	
Retail & entertainment	30000
Community Technology & eco-sustainability Center	
<b>civic</b>	<b>4,335</b>
Community & Teen Center	
Public restroom and other amenities	1,000
Open Space	3,335
Vertical Farm	
Eco-Laboratory	
Tropical gardens	
Innovation Campus	
Parking SF	105,600
Parking Units	260
<b>eco - hotel</b>	
Lot Area	46680
Total Open Space (sq ft)	3335
Total Building Square Footage	156,840
Open space percentage	7%

## Economic Projection

### SUMMARY

<b>Lot</b>	<b>1</b>
<b>Name</b>	Parking
<b>Developer</b>	PPP
<b>Value Created in Private Sector: \$ 6,530,000</b>	
<b>Private sector</b>	
Development	\$ (8,178,590)
Stabilized annual operations return (ops Y1)	\$ 1,140,000
Capitalized stabilized operations return	\$ 13,571,429
<b>Value created</b>	<b>\$ 6,532,838</b>
<b>Investment in Public Sector: \$ 10,330,000</b>	
<b>Public sector</b>	
Development	\$(10,328,417)
Ground lease during stabilized operations (ops Y1)	\$ 223,244
Capitalized ground lease value	\$ 2,657,661
Stabilized annual operations return (ops Y1)	\$ 826,320
Capitalized stabilized operations return	\$ 9,837,143
Sales revenue	
<b>Value created</b>	<b>\$ 3,215,951</b>





# LOT 2 Eco-Park & Active recreation

Parking

Outdoor  
Gym

Stormwater detention pond

Picnic Park

Collins Avenue



# LOT 2 Eco-Park & Active recreation



## KEY ASSUMPTIONS

- Non-revenue use. Event uses not calculated.
- City develops and maintains.

## Lot Data

LAND USE TYPES	LOT 2
retail & mixed use	-
Café & restaurants	
Market hall	
Bikeshop & coffeeshop	
Bohemian Artist & local food village	
Concessions & Rentals	
civic	46,014
Community Technology & eco-sustainability Center	
Community & Teen Center	
Public restroom and other amenities	500
Open Space	45514
Vertical Farm	
Eco-Laboratory	
Tropical gardens	
Innovation Campus	
eco - hotel	-
Lot Area	46014
Total Open Space (sq ft)	45514
Total Building Square Footage	500
Open space percentage	99%

## Economic Projection SUMMARY

Lot	2
Name	Park
Developer	City
Value Created in Private Sector: -	
<b>Private sector</b>	
Development	\$ -
Stabilized annual operations return (ops Y1)	\$ -
Capitalized stabilized operations return	\$ -
<b>Value created</b>	<b>\$ -</b>
Investment in Public Sector: \$1,260,000	
<b>Public sector</b>	
Development	\$ (1,256,119)
Ground lease during stabilized operations (ops Y1)	\$ -
Capitalized ground lease value	\$ -
Stabilized annual operations return (ops Y1)	\$ -
Capitalized stabilized operations return	\$ -
Sales revenue	
<b>Value created</b>	<b>\$ (1,256,119)</b>



# LOT 3 North Beach Yard



Parking

82nd st

Food truck

Bar

Ship container retail

Outdoor  
Seating

81st st



# LOT 4 Water Square



Parking

Laboratory

Water retention  
pond

Boardwalk

Main Entry Path with  
seating and lighting

83rd st

82nd st



# LOT 4 Water Square



## KEY ASSUMPTIONS

- Non-revenue use. Event uses not calculated.
- City develops and maintains.

## Lot Data

LAND USE TYPES	LOT 4
<b>retail &amp; mixed use</b>	-
Café & restaurants	
Market hall	
Bikeshop & coffeeshop	0
Bohemian Artist & local food village	
Concessions & Rentals	
<b>civic</b>	<b>48,648</b>
Community Technology & eco-sustainability Center	
Community & Teen Center	
Public restroom and other amenities	
Open Space	46,848
Vertical Farm	
Eco-Laboratory	1800
Tropical gardens	
Innovation Campus	
<b>eco - hotel</b>	-
Lot Area	48648
Total Open Space (sq ft)	46848
Total Building Square Footage	1,800
Open space percentage	96%

## Economic

### SUMMARY

<b>Lot</b>	<b>4</b>
<b>Name</b>	Water square
<b>Developer</b>	City
<b>Value Created in Private Sector: -</b>	
<b>Private sector</b>	
Development	\$ -
Stabilized annual operations return (ops Y1)	\$ -
Capitalized stabilized operations return	\$ -
<b>Value created</b>	<b>\$ -</b>
<b>Investment in Public Sector: \$ 1,640,000</b>	
<b>Public sector</b>	
Development	\$ (1,638,374)
Ground lease during stabilized operations (ops Y1)	\$ -
Capitalized ground lease value	\$ -
Stabilized annual operations return (ops Y1)	\$ 59,850
Capitalized stabilized operations return	\$ 498,750
Sales revenue	
<b>Value created</b>	<b>\$ (1,079,774)</b>





# LOT 5 Eco-hotel & City Market

Parking

Bikeshop Coffee  
Shop

Outdoor  
Art Space

Picnic Park

Dining

Eco  
Hotel

Rooftop Weddings

Market  
Hall  
Dining

Market Hall



# LOT 5 Eco-hotel & City Market



## KEY ASSUMPTIONS

- City issues an RFP to develop a hotel; likely separate RFP for food hall
- Assumed to be sold for NPV of uses proposed
- Because hotel is very small (25 rooms) and development intensity low, land value is low. A larger hotel (possibly including coffee and bike retail) would increase land value
- Hotel operations based on 29 rooms \* 365 days \* \$225/night \* 75% occ; rooms expense and G&A estimated at 50% of achieved revenue

## Lot Data

LAND USE TYPES	LOT 5
<b>retail &amp; mixed use</b>	<b>14,870</b>
Café & restaurants	
Market hall	8890
Bikeshop & coffeeshop	5980
Bohemian Artist & local food village	
Concessions & Rentals	
<b>civic</b>	<b>32,148</b>
Community Technology & eco-sustainability Center	
Community & Teen Center	
Public restroom and other amenities	
Open Space	32148
Vertical Farm	
Eco-Laboratory	
Tropical gardens	
Innovation Campus	
<b>eco - hotel</b>	<b>8,590</b>
Lot Area	45738
Total Open Space (sq ft)	32148
Total Building Square Footage	23,460
Open space percentage	70%

## Economic Projection

### SUMMARY

<b>Lot</b>	<b>Sold</b> <b>5</b>
<b>Name</b>	Dining Park
<b>Developer</b>	Private
<b>Value Created in Private Sector: \$ 6,910,000</b>	
<b>Private sector</b>	
Development	\$(12,911,429)
Stabilized annual operations return (ops Y1)	\$ 1,535,888
Capitalized stabilized operations return	\$ 18,284,385
<b>Value created</b>	<b>\$ 6,908,844</b>
<b>Investment in Public Sector: \$ -</b>	
<b>Public sector</b>	
Development	\$ -
Ground lease during stabilized operations (ops Y1)	
Capitalized ground lease value	
Stabilized annual operations return (ops Y1)	\$ -
Capitalized stabilized operations return	\$ -
Sales revenue	\$ 1,944,617
<b>Value created</b>	<b>\$ 1,944,617</b>



# LOT 6 Tropical Gardens & Playground



Parking

Innovation  
Campus

Playground

Botanical Garden

Tropical Gardens

Concessions  
& rentals:  
water,  
souvenirs, kayaks &  
boards

Splashpad



# LOT 6 Tropical Gardens & Playground



## KEY ASSUMPTIONS

- City issues an RFP for identified uses for a fee developer.
- City retains land and building ownership. Leases buildings to operators for below market rates (as close to market as possible)
- Concessions building may pay highest rents, innovation center may as well. Tropical garden is highly specialized, may need subsidy for feasibility.

## Lot Data

LAND USE TYPES	LOT 6
<b>retail &amp; mixed use</b>	<b>1,575</b>
Café & restaurants	
Market hall	
Bikeshop & coffeeshop	
Bohemian Artist & local food village	
Concessions & Rentals	1575
<b>civic</b>	<b>44,769</b>
Community Technology & eco-sustainability Center	
Community & Teen Center	
Public restroom and other amenities	
Open Space	34094
Vertical Farm	
Eco-Laboratory	
Tropical gardens	9100
Innovation Campus	1575
<b>eco - hotel</b>	<b>-</b>
Lot Area	46344
Total Open Space (sq ft)	43194
Total Building Square Footage	12,250
Open space percentage	93%

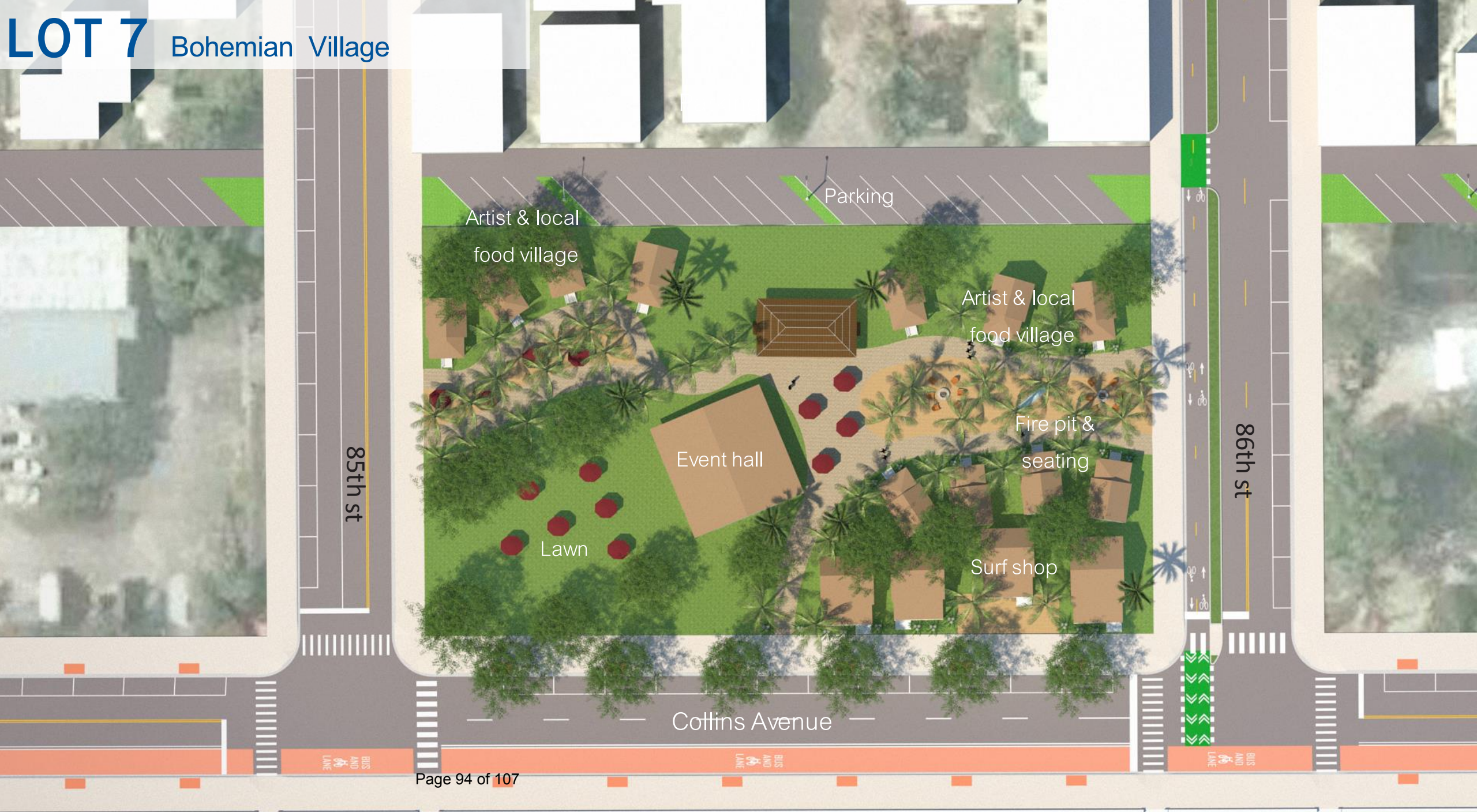
## Economic Projection

### SUMMARY

<b>Lot</b>	<b>6</b>
<b>Name</b>	Play
<b>Developer</b>	City
<b>Value Created in Private Sector: -</b>	
<b>Private sector</b>	
Development	\$ -
Stabilized annual operations return (ops Y1)	\$ -
Capitalized stabilized operations return	\$ -
<b>Value created</b>	<b>\$ -</b>
<b>Investment in Public Sector: \$ 5,530,000</b>	
<b>Public sector</b>	
Development	\$ (5,528,444)
Ground lease during stabilized operations (ops Y1)	\$ -
Capitalized ground lease value	\$ -
Stabilized annual operations return (ops Y1)	\$ 306,250
Capitalized stabilized operations return	\$ 3,645,833
Sales revenue	
<b>Value created</b>	<b>\$ (1,576,361)</b>



# LOT 7 Bohemian Village





# LOT 7 Bohemian Village




## KEY ASSUMPTIONS

- City issues an RFP for identified uses for a developer/owner
- City retains land. Developer owns buildings. Buildings are leased to operators at market rate.
- This parcel doesn't pencil out under likely development costs or potential rental rates
- Will need additional iterations to find a path to viable financials
- Operations may require city subsidies to be commercially attractive to developers

## Lot Data

LAND USE TYPES	LOT 7
<b>retail &amp; mixed use</b>	<b>7,416</b>
Café & restaurants	
Market hall	
Bikeshop & coffeeshop	
Bohemian Artist & local food village	7416
Concessions & Rentals	
<b>civic</b>	<b>39,880</b>
Community Technology & eco-sustainability Center	
Community & Teen Center	
Public restroom and other amenities	
Open Space	39880
Vertical Farm	
Eco-Laboratory	
Tropical gardens	
Innovation Campus	
<b>eco - hotel</b>	
Lot Area	47296
Total Open Space (sq ft)	39880
Total Building Square Footage	7,416
Open space percentage	84%

## Economic Projection

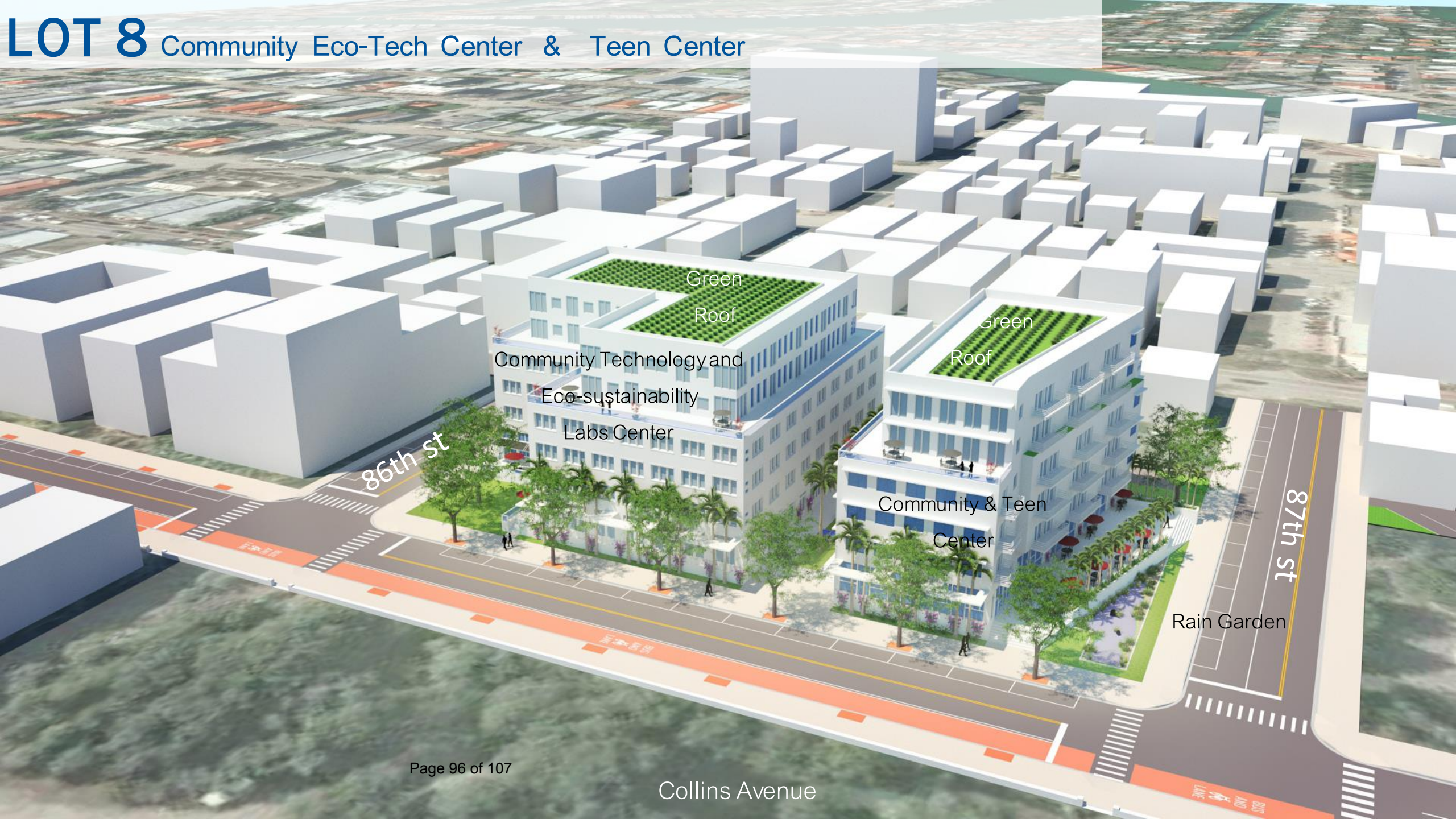
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**Value Created in Private Sector: \$ 970,000**

**Investment in Public Sector: \$ -**



# LOT 8 Community Eco-Tech Center & Teen Center





# LOT 8 Community Eco-Tech Center & Teen Center



## KEY ASSUMPTIONS

- The city of Miami Beach will own and operate the Community & Teen center portion of the development
- To justify development at this scale, market paying tenants are needed for the majority of the space

## Lot Data

LAND USE TYPES	LOT 8
<b>retail &amp; mixed use</b>	<b>123000</b>
Café & restaurants	
Market hall	
Bikeshop & coffeeshop	0
Bohemian Artist & local food village	
Concessions & Rentals	
Community Technology & eco-sustainability Center	123000
<b>civic</b>	<b>161,704</b>
Community & Teen Center	20000
Public restroom and other amenities	
Open Space	18704
Vertical Farm	
Eco-Laboratory	
Tropical gardens	
Innovation Campus	
<b>eco - hotel</b>	<b>-</b>
Lot Area	46680
Total Open Space (sq ft)	18704
Total Building Square Footage	161,704
Open space percentage	40%

## Economic Projection

### SUMMARY

Lot	8
Name	Teen & Research Center
Developer	Private

### Value Created in Private Sector: \$ 27,360,000

<b>Private sector</b>	
Development	\$(45,629,250)
Stabilized annual operations return (ops Y1)	\$ 4,674,000
Capitalized stabilized operations return	\$ 62,320,000
<b>Value created</b>	<b>\$ 21,364,750</b>

### Investment in Public Sector: \$ 7,420,000

<b>Public sector</b>	
Development	\$ (7,419,390)
Ground lease during stabilized operations (ops Y1)	\$ 1,080,000
Capitalized ground lease value	\$ 14,400,000
Stabilized annual operations return (ops Y1)	\$ 400,000
Capitalized stabilized operations return	\$ 5,333,333
Sales revenue	
<b>Value created</b>	<b>\$ 13,793,943</b>



# REMEMBER: THE UPCOMING GO BOND MAY BE USED...

...GO(general obligation) bond could be used as a way to finance some of the large scale capital projects.

The public sector development in West Lots could be projects considered for the GO bond.

**Total Cost of Development in Public Sector: \$ 26,170,000**

Lot	1	2	4	6	8	
Name	Parking Garage	Eco-Park	Water Square	Gardens & Playground	Teen & Research Center	
Public sector Development	\$ (26,170,745)	\$(10,328,417)	\$ (1,256,119)	\$ (1,638,374)	\$ (5,528,444)	\$ (7,419,390)

...the city is considering a referendum on the November ballot to authorize a GO bond

The GO bond would likely fund between \$300 million and \$500 million in projects, the amount and list of projects have yet to be finalized.

# REMEMBER: VOTER APPROVAL MAY BE NEEDED...

...to rezone from current government / residential district to a mixed-use district

Currently GU (Civic & Government Use); RM-1 (Residential Multi-family, low-intensity). Requires a ballot item to change.

...to increase the Floor Area Ratio (FAR)

Current FAR is between 1.25 and 1.4; 3.5 approved for Town Center at 71st

...to lease more than 10 years or sell properties

THOUGH QUESTIONS REMAIN...

**DRAFT**

# WEST LOTS NORTH BEACH

A COMMUNITY INPUT DISCUSSION

MIAMI BEACH

DOVER, KOHL & PARTNERS  
town planning



# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Raul J. Aguila, City Attorney  
DATE: June 27, 2018

4:00 p.m.

SUBJECT: CLOSED ATTORNEY-CLIENT SESSION:

PURSUANT TO §286.011, FLORIDA STATUTES, THE CITY ATTORNEY HEREBY ADVISES THE MAYOR AND CITY COMMISSION THAT HE DESIRES ADVICE CONCERNING THE FOLLOWING PENDING LITIGATION MATTER:

CONSOLIDATED CASES NOS. 2015-11069 CA 43 AND 2014-023217 CA 43  
CIRCUIT COURT OF THE 11TH JUDICIAL CIRCUIT

MURANO GRANDE AT PORTOFINO CONDOMINIUM ASSOCIATION, INC., A FLORIDA NOT-FOR-PROFIT, MURANO GRANDE AT PORTOFINO MASTER ASSOCIATION, INC., A FLORIDA NOT-FOR-PROFIT CORPORATION, AND ICON CONDOMINIUM ASSOCIATION, INC., A FLORIDA NOT-FOR-PROFIT CORPORATION,

PLAINTIFFS,

V.

THE CITY OF MIAMI BEACH, FLORIDA, A MUNICIPAL CORPORATION, MIAMI BEACH REDEVELOPMENT AGENCY, A FLORIDA PUBLIC AGENCY, AND MIAMI BEACH MARINA ASSOCIATES, LTD., A FLORIDA LIMITED PARTNERSHIP,

DEFENDANTS,

MURANO GRANDE AT PORTOFINO CONDOMINIUM ASSOCIATION, INC., A FLORIDA NOT-FOR-PROFIT CORPORATION,

PLAINTIFF/COUNTER-DEFENDANT,

V.

THE CITY OF MIAMI BEACH, FLORIDA, A MUNICIPAL CORPORATION, AND MIAMI BEACH REDEVELOPMENT AGENCY, A FLORIDA PUBLIC AGENCY,

DEFENDANT/COUNTER-PLAINTIFFS,

THE CITY OF MIAMI BEACH, FLORIDA, A MUNICIPAL CORPORATION, AND MIAMI BEACH REDEVELOPMENT AGENCY, A FLORIDA PUBLIC AGENCY,

THIRD-PARTY PLAINTIFFS,

V.

MURANO GRANDE AT PORTOFINO MASTER ASSOCIATION, INC., A FLORIDA NOT-FOR-PROFIT CORPORATION, AND ICON CONDOMINIUM ASSOCIATION, INC., A FLORIDA NOT-FOR PROFIT CORPORATION,

THIRD-PARTY DEFENDANTS.

THEREFORE, A PRIVATE CLOSED ATTORNEY-CLIENT SESSION WILL BE HELD DURING THE COMMISSION MEETING ON JUNE 27, 2018 AT 4:00 P.M. IN THE CITY MANAGER'S LARGE CONFERENCE ROOM, FOURTH FLOOR, CITY HALL TO DISCUSS SETTLEMENT NEGOTIATIONS AND/OR STRATEGY RELATED TO LITIGATION EXPENDITURES WITH REGARD TO THE ABOVE-REFERENCED LITIGATION MATTER.

THE FOLLOWING INDIVIDUALS WILL BE IN ATTENDANCE: MAYOR DAN GELBER; MEMBERS OF THE CITY COMMISSION; MICKY STEINBERG, MICHAEL GONGORA, MARK SAMUELIAN, RICKY ARRIOLA, KRISTEN ROSEN GONZALEZ, AND JOHN ELIZABETH ALEMAN; CITY MANAGER JIMMY L. MORALES, CITY ATTORNEY RAUL J. AGUILA, DEPUTY CITY ATTORNEY STEVEN H. ROTHSTEIN, ASSISTANT CITY ATTORNEY JASON JACOBSON, MARK A. HENDRICKS, ESQUIRE, AND MEREDYTH S. COOPER, ESQUIRE.

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## **ANALYSIS**

### **Legislative Tracking**

Office of the City Attorney

### **ATTACHMENTS:**

#### **Description**

▣ Ad

## MIAMI BEACH

CITY OF MIAMI BEACH  
NOTICE OF CLOSED ATTORNEY-CLIENT SESSION

**NOTICE IS HEREBY** given that a private closed Attorney-Client Session, pursuant to §286.011 Florida Statutes, will be held after the opening of the City Commission meeting in the Commission Chambers, Third Floor, City Hall, 1700 Convention Center Drive, Miami Beach, on **June 27, 2018, at 4:00 p.m.**, and will be moved to the City Manager's Large Conference Room, Fourth Floor, City Hall to discuss settlement negotiations and/or strategy related to litigation expenditures with regard the following pending litigation matter:

Consolidated Cases Nos. 2015-11069 CA 43 and 2014-023217 CA 43  
Circuit Court of the 11th Judicial Circuit

Murano Grande at Portofino Condominium Association, Inc., a Florida Not-For-Profit, Murano Grande at Portofino Master Association, Inc., a Florida Not-For-Profit Corporation, and Icon Condominium Association, Inc., a Florida Not-For-Profit Corporation,

Plaintiffs,

v.

The City of Miami Beach, Florida, a Municipal Corporation, Miami Beach Redevelopment Agency, a Florida Public Agency, and Miami Beach Marina Associates, Ltd., a Florida Limited Partnership,

Defendants,

Murano Grande at Portofino Condominium Association, Inc., a Florida Not-For-Profit Corporation,

Plaintiff/Counter-Defendant,

v

The City of Miami Beach, Florida, a Municipal Corporation, and Miami Beach Redevelopment Agency, a Florida Public Agency,

Defendant/Counter-Plaintiffs,

The City of Miami Beach, Florida, a Municipal Corporation, and Miami Beach Redevelopment Agency, a Florida Public Agency,

Third-Party Plaintiffs,

v.

Murano Grande at Portofino Master Association, Inc., a Florida Not-For-Profit Corporation, and Icon Condominium Association, Inc., a Florida Not-For Profit Corporation,

Third-Party Defendants.

The following individuals will attend: Mayor Dan Gelber; Members Of The City Commission; Micky Steinberg, Michael Góngora, Mark Samuelian, Ricky Arriola, Kristen Rosen Gonzalez, And John Elizabeth Alemán; City Manager Jimmy L. Morales, City Attorney Raul J. Aguila, Deputy City Attorney Steven H. Rothstein, Assistant City Attorney Jason Jacobson, Mark A. Hendricks, Esquire, And Meredyth S. Cooper, Esquire.

A court reporter will be present to record the start and finish times and all comments made. A copy of the transcript shall be made available at the conclusion of the underlying litigation.

Interested parties are invited to express their views in writing addressed to the City Commission, c/o the Office of the City Clerk, 1700 Convention Center Drive, 1<sup>st</sup> Floor, City Hall, Miami Beach, Florida 33139.

Rafael E. Granado, City Clerk  
City of Miami Beach

Ad 062718-02



# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Jimmy L. Morales, City Manager  
DATE: June 27, 2018

**5:05 p.m. Public Hearing**

SUBJECT: A RESOLUTION OF THE CHAIRPERSON AND MEMBERS OF THE MIAMI BEACH REDEVELOPMENT AGENCY (RDA), ADOPTING THE SECOND AMENDMENT TO THE MIAMI BEACH REDEVELOPMENT AGENCY CAPITAL BUDGET FOR FISCAL YEAR 2017/18, AS SET FORTH IN ATTACHMENTS A (SOURCE OF FUNDS), ATTACHMENT B (PROGRAMS), AND ATTACHMENT C (PROJECTS).

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### **RECOMMENDATION**

OBPI is requesting that this item be opened and continued to the July 2, 2018 Commission Meeting at 9:33 a.m.

### **Legislative Tracking**

Budget and Performance Improvement

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Rafael E. Granado, City Clerk  
DATE: June 27, 2018

SUBJECT: ADVERTISEMENTS.

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**Legislative Tracking**  
Office of the City Clerk

**ATTACHMENTS:**

**Description**

▣ Ads

# MIAMI BEACH

## CITY OF MIAMI BEACH NOTICE OF PUBLIC HEARINGS

June 27, 2018

**NOTICE IS HEREBY** given that the following **Public Hearings** will be heard by the Mayor and City Commissioners of the City of Miami Beach, Florida, in the Commission Chamber, Third Floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **June 27, 2018**, at the times listed, or as soon thereafter as the matter can be heard:

### **5:01 p.m. Public Hearing**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING, BY 5/7TH VOTE, AND FOLLOWING A DULY NOTICED PUBLIC HEARING, THE NAMING OF THE BALLROOMS WITHIN THE MIAMI BEACH CONVENTION CENTER AS FOLLOWS: THE GRAND BALLROOM AS THE "GRAND BALLROOM," THE BALLROOM IN FRONT OF HALL A AS "OCEAN DRIVE ROOM," THE BALLROOM IN FRONT OF HALL D AS "LINCOLN ROAD ROOM," THE SPECIALTY SPACE BALLROOM AS "SUNSET VISTA SALON," AND THE JUNIOR BALLROOM/LEVEL 2 AS "ART DECO ROOM." *This Resolution is being heard pursuant to Section §166.041 F.S. Inquiries may be directed to the Tourism, Culture, and Economic Development Department at 305.673.7577.*

### **5:02 p.m. Public Hearing**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING, BY 5/7TH VOTE, AND FOLLOWING A DULY NOTICED PUBLIC HEARING, THE NAMING OF THE CLUBHOUSE STRUCTURE LOCATED IN THE PARK TO THE NORTH OF THE MIAMI BEACH CONVENTION CENTER AS THE "CARL FISHER CLUBHOUSE." *This Resolution is being heard pursuant to Section §166.041 F.S. Inquiries may be directed to the Tourism, Culture, and Economic Development Department at 305.673.7577.*

### **5:03 p.m. Public Hearing**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ADOPTING THE THIRD AMENDMENT TO THE GENERAL FUND, ENTERPRISE FUND, INTERNAL SERVICE FUND, AND SPECIAL REVENUE FUND BUDGETS FOR FISCAL YEAR (FY) 2017/18. *This Resolution is being heard pursuant to Section 166.041 and §166.241 F.S. Inquiries may be directed to the Office of Budget & Performance Improvement at 305.673.7510.*

### **5:04 p.m. Public Hearing**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ADOPTING THE SIXTH AMENDMENT TO THE CAPITAL BUDGET FOR FISCAL YEAR 2017/18, AS SET FORTH IN ATTACHMENTS A (SOURCE OF FUNDS), ATTACHMENT B (PROGRAMS), AND ATTACHMENT C (PROJECTS). *This Resolution is being heard pursuant to Section 166.041 and §166.241 F.S. Inquiries may be directed to the Office of Budget & Performance Improvement at 305.673.7510.*

### **5:05 p.m. Public Hearing**

A RESOLUTION OF THE CHAIRPERSON AND MEMBERS OF THE MIAMI BEACH REDEVELOPMENT AGENCY (RDA), ADOPTING THE SECOND AMENDMENT TO THE MIAMI BEACH REDEVELOPMENT AGENCY CAPITAL BUDGET FOR FISCAL YEAR 2017/18, AS SET FORTH IN ATTACHMENTS A (SOURCE OF FUNDS), ATTACHMENT B (PROGRAMS), AND ATTACHMENT C (PROJECTS). *This Resolution is being heard pursuant to Section 166.041 and §166.241 F.S. Inquiries may be directed to the Office of Budget & Performance Improvement at 305.673.7510.*

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1<sup>st</sup> Floor, City Hall, Miami Beach, Florida 33139. Copies of these items are available for public inspection during normal business hours in the Office of the City Clerk, 1700 Convention Center Drive, 1<sup>st</sup> Floor, City Hall, Miami Beach, Florida 33139. This meeting, or any item herein, may be continued, and under such circumstances, additional legal notice need not be provided.

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

To request this material in alternate format, sign language interpreter (five-day notice required), information on access for persons with disabilities, and/or any accommodation to review any document or participate in any City-sponsored proceedings, call 305.604.2489 and select option 6; TTY users may call via 711 (Florida Relay Service).

Members of the public may present audio/visual (AV) materials relating to Agenda Items at City Commission meetings held in the Commission Chamber by utilizing the City's AV equipment, provided that materials are submitted to the Marketing and Communications Department by 8:30 a.m., one (1) business day prior to the meeting. Advance submittal of a presentation will allow the Marketing and Communications Department to plan for the use of the appropriate AV equipment. AV materials may be submitted via email at [communications@miamibeachfl.gov](mailto:communications@miamibeachfl.gov); or hand delivered in a jump drive, CD or DVD to: Attention: Marketing and Communications Department, 1701 Meridian Avenue, 5<sup>th</sup> Floor, Miami Beach, FL 33139. Presentations, videos, or links must include a label noting the name or group, contact person, daytime telephone number, email address, description/title of the presentation and Agenda Item Title as well as the Agenda Item number. Acceptable formats for electronic submission are .pdf, .ppt, .pptx, .pps, .ppsx, .wmv, .avi, and .mov. (Note that .pdf is the preferred format for PowerPoint presentations.)

Rafael E. Granado, City Clerk  
City of Miami Beach



# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Rafael E. Granado, City Clerk  
DATE: June 27, 2018

SUBJECT: TIME CERTAIN

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**Legislative Tracking**  
Office of the City Clerk