



## COMMISSION MEMORANDUM

TO: Mayor Dan Gelber and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: June 5, 2019

SUBJECT: MEETING OF THE SUSTAINABILITY AND RESILIENCY COMMITTEE (SRC)  
ON MONDAY, APRIL 23, 2019

A meeting of the Sustainability and Resiliency Committee was held on Monday, April 23, 2019 in the City Manager's Commission Chambers in attendance: Commissioner Mark Samuelian, Commissioner John Elizabeth Aleman, and Commissioner Joy Malakoff. Members of the administration and the public were also in attendance.

### **1. REVIEW OF RESILIENCE STRATEGY WORKPLAN - PLANNED AND IN PROGRESS RESILIENCY PROJECTS**

#### **After-Action**

Susanne Torriente, Assistant City Manager and Chief Resiliency Officer highlighted items from the resilience workplan:

- The Resilient 305 Strategic Plan was scheduled to be released May 30, 2019.
- Amy Knowles, Deputy Chief Resiliency Officer, Elizabeth Wheaton, Environment and Sustainability Director, and Maria Cerna, CIP Assistant Director, held successful training sessions for city staff on incorporating resiliency into city operations. Resiliency was merged into the budget worksheets and the procurement process.
- The work of the consultant for the historic preservation guidelines was underway.
- The Business Case Analysis was scheduled to have another update over the summer.
- The Palm View Project was underway and community survey was expected to be developed. A twenty-year master plan developed for that community could serve as an example for other areas of the city. Updates would be provided as available.

Commissioner Malakoff stated that individuals who live in historic districts should be heard and represented adequately. Ms. Torriente stated the community survey would allow for feedback from residents.

David Martinez, CIP Director, presented an update on ongoing projects including Indian Creek Phase III, Par 3 Park, Palm Island and Hibiscus islands, West Avenue, Upper North Bay Road and the designs for pump stations.

Commissioner Samuelian opened a discussion on the LTC outlining the work by Jacobs. Commissioner Aleman stated that she would have like to have been given the opportunity to review the LTC as a draft due to the short amount of time between the day the LTC was released and the Notice to Proceed date.

Ms. Torriente added that comments could still be incorporated into the project.

Commissioner Aleman stated she does not believe that Jacobs criteria should include a subjective analysis with the community's desire for the project.

Roy Coley, Public Works Director, stated that the matrix developed by Jacobs was intended to be reviewed by the city staff and the commission before moving forward. He added the criteria could be removed if the committee desires and was only included by Jacobs as a result city's goal to obtain sufficient community feedback.

Members of the public addressed the committee.

**ACTION:** CIP to develop an LTC presenting the approved designs for the pump stations.

## **2. SUSTAINABILITY COMMITTEE**

### **After-Action**

Dave Doeblar, Committee Chair, gave a summary of the March 26, 2019 Sustainability Committee Meeting.

**ACTION:** No further action taken.

## **3. DISCUSSION ON EXPANDING THE PLASTIC BAG ORDINANCE IN MIAMI BEACH.**

Commissioner Micky Steinberg presented the item. She explained that although there was a preemption in place cities including Gainesville, St. Petersburg, Sarasota, Bal Harbour, and Saint Augustine have taken measures to either ban single-use plastic bags or impose fees. She further explained those municipalities have taken these steps because the outcome of the Coral Gables case was not finalized.

Nick Kallergis, First Assistant City Attorney, stated that cities continue to be broadly preempted by state law to regulate plastic bags. He explained the City of Coral Gables adopted a polystyrene ordinance after Miami Beach and was challenged by the State of Florida and the Florida Retail Federation. The circuit court ruling in that case struck down the polystyrene preemption and ruled the plastic bag preemption as unconstitutional. He further explained that under that authority, Coral Gables adopted the ordinance on plastic bags. Mr. Kallergis added the City Attorney's Office suggested against any ordinance that goes against the state preemption during the pendency of the litigation. He stated there are other types of plastics which could be regulated.

Commissioner Malakoff suggested following the City Attorney's Office advice.

Commissioner Steinberg stated there were times in which the city has taken a stance on items that were preempted because it was the right thing to do. She requested to continue the discussion to the next meeting and to have the City Attorney's Office draft language to expand the existing plastic bag ban.

Mr. Kallergis stated he could provide the committee with copies of the legislation drafted for polystyrene and straws as an example. In the case that the preemption was struck down or repealed, the city would follow the same path with plastic bags.

Members of the public addressed the committee.

**ACTION:** Continued to the June 29, 2019 Sustainability and Resiliency Committee.

**4. DISCUSS A COMPOSTING PROGRAM IN NORTH BEACH SIMILAR TO THE PROGRAM AT THE MIAMI BEACH BOTANICAL GARDEN.**

**After-Action**

Yanira Pineda, Sustainability Specialist, presented them item. She explained that staff identified two locations in North Beach as potential sites for the composting program: an empty lot at 87 Street and Collins Avenue and the Log Cabin site at 81 street and Collins Avenue.

Sanna O'Sullivan, Naturalist with the Miami beach botanical garden explained there was a lot of lot of enthusiasm around the composting program within the garden. She stated it would be a seamless experience to expand the existing program to North Beach. Ms. O'Sullivan added that compost becomes fertile, organic soil which allows the opportunity to move away from conventional fertilizers.

Ms. Wheaton stated that out of the two locations explored for this project, the log cabin site was recommended due to the existing fence. The site could also serve the North Beach Yard who have expressed interest in using composting as part of their operations.

Commissioner Aleman inquired on whether residents would able to purchase or take compost soil. Ms. Wheaton stated staff could explore that opportunity.

Members of the public addressed the committee.

**ACTION:** Referral to the Finance and Citywide Projects Committee with the log cabin as the preferred site for the program. Motion made by Commissioner Aleman, seconded by Commissioner Malakoff.

**5. DISCUSSION REGARDING HOW GREEN INFRASTRUCTURE INCLUDING LIVING OR HYBRID SHORELINES CAN COMPLEMENT GREY INFRASTRUCTURE IN OUR CLIMATE ADAPTATION ON-GOING WORK**

**After-Action**

Margarita Kruffy, Environment and Sustainability Department Assistant Director presented the item. Ms. Kruffy provided examples of completed and ongoing living shoreline projects in the city, including Pinetree Park, Maurice Gibb Park, Parkview Island, Muss Park, Brittany Bay Park and Indian Creek. Mr. Kruffy emphasized the Indian Creek Living Shoreline was considered a landmark project. She explained regulatory agencies are allowing the city to plant mangroves in the water which was not commonly allowed due to seagrass protection efforts.

Ms. Kruffy explained the city also focused on inland green infrastructure which was a component of the Jacob's agreement. She further added staff was exploring green

infrastructure projects implemented in other states such as Illinois with the goal to include some concepts within the public works manual.

Ms. Kruffy stated that the permitting process for those types of projects was not easy and serves as a great way for city staff to help homeowners who are interested in carrying out similar projects within their properties.

Commissioner Malakoff inquired about the possibility of using oyster beds. Ms. Kruffy mentioned that this option was looked at for the Lake Pancoast project; however, the type of oysters that exist in Miami Beach are not recommend for those types of projects.

**ACTION:** No further action.

**6. MEMO TO REPORT ON MIAMI BEACH SPECIAL EVENTS AND THE ENVIRONMENTALLY FRIENDLY GUIDELINES AND PROCEDURES**

**After-Action**

Matt Kenney, Tourism and Culture Department Director, presented the item. He explained the Tourism and Culture Department worked with all city departments to update the existing special event guidelines which included many sustainability elements. He mentioned that one of the biggest additions was the waiving of special event permit fees for small beach cleanup events. He explained in order to ensure cohesiveness with special events, beach operations, and regulatory agencies, city permits now link internally to any existing state permits; meaning that any violation to state permits would result in the revocation of the city permit.

**ACTION:** No further action.

**7. DISCUSSION ON CONSIDERING A NEIGHBORHOOD BIRD SANCTUARY PROJECT**

**After-Action**

Commissioner Aleman presented the item. She explained John Lacko was awarded a grant to develop a bird sanctuary program. John Lacko explained the genesis of the project was to designate Miami Beach as a bird sanctuary which would include an artistic component. Mr. Lacko explained after meeting with city staff, it was decided to focus on natural habitats and move the focus on a visual representation of the project with visual kiosks in parks.

Elizabeth Wheaton mentioned that next steps would be to incorporate the ideas into the city's resiliency signage project.

Commissioner Aleman clarified that John Lacko was not looking for additional funding and had received his funding through the Miami Foundation.

**MOTION:** Incorporate the bird sanctuary project as a part of the city's resiliency signage project. By acclamation.

**8. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE SUSTAINABILITY AND RESILIENCY COMMITTEE, AND APPROVING AN AMENDMENT TO THE RULES AND REGULATIONS FOR BEACHFRONT CONCESSION OPERATIONS, TO REQUIRE**

**ALL UPLAND OWNER CONCESSIONAIRES AND THEIR THIRD PARTY CONCESSION OPERATORS TO UTILIZE 100% REUSABLE WARES IN CONNECTION WITH THEIR BEACH FRONT CONCESSION OPERATIONS, INCLUDING THE DELIVERY, SERVICE, AND CONSUMPTION OF FOOD AND BEVERAGES; PROVIDED THAT SAID AMENDMENT BE REFERRED TO THE SUSTAINABILITY AND RESILIENCY COMMITTEE, FOR DISCUSSION AND COMMENT, PRIOR TO FINAL APPROVAL BY THE CITY COMMISSION.**

**After-Action**

Elizabeth Wheaton presented the item. She explained city and county staff were asked to study the amount of litter accumulating on the beaches which was found to be increasing compared to previous years. Some of the major contributors were disposable, single-use items such as take out containers and cups from adjacent hotels and concessionaires.

Ms. Wheaton explained the city met with beachfront hotels on two separate occasions to explore opportunities to switch over to reusable or sustainable products. She added that based on the feedback and outcome from those meetings, staff recommended requiring beachfront hotels and concessionaires to switch to reusable products. This would go into effect during the renewal of the beachfront concession agreement in October 2020 allowing for a one-year educational period.

**MOTION:** Amend the terms of the Rules and Regulations for Beachfront operations to require operators to utilize 100% reusable products. By Acclamation.

**9. DISCUSS THE PUMP STATION PLUMES ON WEST AVENUE**

**After-Action**

Item presented by Roy Coley, Public Works Department Director. Mr. Coley explained the city received bids on rehab work for underwater piping that has influent infiltration on 6th street between Alton and West Avenue. He also mentioned that Public Works discussed the pollution control devices with John Bolton, a representative with the Florida Department of Transportation (FDOT) whose volunteered to inspect all work conducted by the city. Mr. Coley added the control devices were originally designed by FDOT and the city worked off the same design.

Commissioner Aleman expressed her contentment for locating the infiltration and stated that it could be multiple contributing factors. Mr. Coley agreed with the statement and mentioned the repairs would make a difference but was unsure whether it would completely solve issues seen in the past.

Dave Doeblor, resident, inquired on the status of the 10<sup>th</sup> Street outfall. Mr. Coley stated staff had not identified any systematic issues at that location.

Commissioner Samuelian inquired if the work carried out by FDOT would help with addressing issues at other sites. Mr. Coley responded that environmental inspectors were consistently visiting other locations to look for issues.

Commissioner Malakoff stated sampling was carried out at 63 different sites all over the city with no indication of a sanitary leakage. Before outfalls or stormwater pump stations,

everything automatically went into the water. She added the system could not screen for everything and the force of the water hitting the bay could cause turbidity.

Mr. Coley mentioned city staff along with the Department of Environmental Resources Management have hypothesized that a lot of what was seen at outfalls was scouring. He added they were considering installing scouring pads and other options to help prevent turbidity from occurring. He added Commissioner Malakoff was correct and stated that the pollution control did not remove 100% of pollutants and instead removed about 80-85%.

**ACTION:** Commissioner Samulien requested to keep this item on the agenda for updates as available.

**10. DISCUSS THE USE OF PESTICIDES, HERBICIDES, AND FERTILIZERS ON BOTH PUBLIC AND PRIVATE PROPERTIES**

**After-Action**

Margarita Kruffy presented the item. She explained the concerns over the improper use of chemicals such as pesticides. Ms. Kruffy presented different options to enhance efforts on private property including educating the public with the #KeepMBClean campaign and training landscape professionals that worked within the city on best practices. She added that restrictions or bans would be difficult to enforce.

Commissioner Aleman stated that although bans are difficult to enforce, it could send a strong message and some companies would try to comply.

Commissioner Malakoff inquired on whether any cities were able to ban glyphosate on all properties. Ms. Kruffy mentioned that City of Miami passed an ordinance on this chemical but was unsure whether it was applicable to all city properties or just public.

**MOTION:** Support the first two recommendations which would include expanding the #keepmbclean campaign with a water quality component and requiring landscape contractor/companies to obtain training on reducing pesticide use. By acclamation.

**11. DISCUSS UPDATES TO THE CITY CODE REFERENCING TURTLE NESTING**

**ACTION:** Item Deferred.

**12. DISCUSSION REGARDING EXPLORING THE CITY OF MIAMI BEACH JOINING THE AMERICAN FLOOD COALITION**

**ACTION:** Item Deferred.

**13. DISCUSSION REGARDING PRIVATE SEAWALLS**

**ACTION:** Item Deferred.

**14. DISCUSSION ON CITY OF MIAMI BEACH STORMWATER, SANITARY SEWER, AND WATER INFRASTRUCTURE BEST MANAGEMENT PRACTICES**

**ACTION:** Item Deferred.

**15. DISCUSSION ON PARKING INCENTIVES FOR "SMARTWAY" (ILEV - INHERENTLY LOW EMISSION) VEHICLES**

**ACTION:** Item Deferred.

**16. DISCUSSION ON REPURPOSING OUR GOLF COURSES FOR THE FUTURE**

**ACTION:** Item Deferred.

**17. DISCUSSION ON ARTIFICIAL REEFS**

**ACTION:** Item Deferred.