

MIAMIBEACH

OFFICE OF THE CITY ATTORNEY

RAFAEL PAZ, ACTING CITY ATTORNEY

COMMISSION MEMORANDUM

TO: MAYOR DAN GELBER
MEMBERS OF THE CITY COMMISSION
ALINA T. HUDAK, CITY MANAGER

FROM: RAFAEL PAZ, ACTING CITY ATTORNEY



DATE: MAY 12, 2021

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ESTABLISHING THE "AD HOC NEIGHBORHOOD RESILIENCY PROJECTS ADVISORY COMMITTEE," FOR A PERIOD OF ONE YEAR (SUBJECT TO EARLIER OR LATER SUNSET BY CITY COMMISSION) TO ADVISE THE ADMINISTRATION AND CITY COMMISSION IN CONNECTION WITH THE CITY'S RESILIENCY PROJECTS IN ORDER TO IMPROVE PLANNING AND DELIVERY OF THESE CRITICAL PROJECTS; PRESCRIBING THE PURPOSE, POWERS AND DUTIES, COMPOSITION, TERMS OF OFFICE, KNOWLEDGE AND EXPERIENCE OF THE COMMITTEE MEMBERS; AND, PROVIDING FOR AN ADMINISTRATIVE LIAISON TO THE COMMITTEE.

The above-referenced Resolution has been prepared at the request of Commissioner Mark Samuelian.

The City of Miami Beach has launched several resiliency projects to combat flooding, and address sea level rise, including First Street Neighborhood Improvement Project, the Indian Creek Flood Mitigation Project, the West Avenue Neighborhood Improvement Project, and the Palm and Hibiscus Neighborhood Infrastructure Improvement Project, all of which could dramatically impact residents, private properties, and businesses.

Commissioner Mark Samuelian has sponsored this Resolution, which shall establish an ad hoc Neighborhood Resiliency Projects Advisory Committee ("Committee") for a period of one year. As set forth in Exhibit "A" attached to the Resolution, the Committee would be tasked solely with making advisory recommendations to the City Manager and the City Commission, on neighborhood and private property matters related to the City resiliency projects in order to help improve planning and delivery of these critical projects by incorporating resident ideas and feedback.

Exhibit "A" outlines the purpose and powers of the Committee, membership composition, and administrative liaisons to the Committee.

RAP/FA/ag

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ESTABLISHING THE "AD HOC NEIGHBORHOOD RESILIENCY PROJECTS ADVISORY COMMITTEE," FOR A PERIOD OF ONE YEAR (SUBJECT TO EARLIER OR LATER SUNSET BY CITY COMMISSION) TO ADVISE THE ADMINISTRATION AND CITY COMMISSION IN CONNECTION WITH THE CITY'S RESILIENCY PROJECTS IN ORDER TO IMPROVE PLANNING AND DELIVERY OF THESE CRITICAL PROJECTS; PRESCRIBING THE PURPOSE, POWERS AND DUTIES, COMPOSITION, TERMS OF OFFICE, KNOWLEDGE AND EXPERIENCE OF THE COMMITTEE MEMBERS; AND, PROVIDING FOR AN ADMINISTRATIVE LIAISON TO THE COMMITTEE.

WHEREAS, the City of Miami Beach (the "City") is comprised of a number of islands with approximately 70 miles of shoreline along numerous canals and waterways, the Atlantic Ocean, and Biscayne Bay Aquatic Preserve, all of which support a wide variety of flora and fauna; and

WHEREAS, as a coastal barrier island, the City is extremely vulnerable to environmental threats such as rising sea levels and coastal flooding; and

WHEREAS, the City has launched several resiliency projects to combat flooding, and address sea level rise, including First Street Neighborhood Improvement Project, which includes critical life safety and property protection improvements to the area along First Street, such as elevating roads to eliminate tidal flooding, as well as cultural and aesthetic benefits, such as improving street lighting and sidewalks to beautify the neighborhood; and

WHEREAS, the Indian Creek Flood Mitigation Project aims to improve storm water drainage on Indian Creek Drive, including completing the stormwater pump station at 32nd Street, as well as rebuild and raise the roadway and sidewalk on Indian Creek Drive between 26 Street and 41 Street; and

WHEREAS, the West Avenue Neighborhood Improvement Project includes water, sewer, storm and above ground improvements; and

WHEREAS, the City's Office of the Inspector General's ("OIG") Report No. 20-07, conducted at the request of Commissioners Mark Samuelian and Michael Gongora, dated March 10, 2021, investigated the unpermitted construction of drains on public and private property during the Palm and Hibiscus Neighborhood Infrastructure Improvement Project, meant to reduce flooding and counter the future effects of sea level rise, and the increase in the cost and complexity of the unfinished project; and

WHEREAS, the OIG's report highlighted the complex issues, managerial decisions, and the need for continued public engagement and resident input into components such as harmonization of the project with the neighborhood and adjacent properties, which could dramatically impact residents, private properties, and businesses; and

WHEREAS, the City's OIG is currently conducting a separate review of the Indian Creek Project with a report anticipated around summer 2021; and

WHEREAS, these resiliency projects can have substantial impacts on the nature and character of neighborhoods, as well as on private properties and place requirements on private property owners; and

WHEREAS, it is in the best interest of the City to ensure the participation of the residents and the communities directly impacted by these resilient projects in order to ensure that the community is involved in the decision making, and the City is able to plan and deliver these critical projects by incorporating community feedback; and

WHEREAS, as such, Commissioner Mark Samuelian has sponsored this Resolution, which shall establish an ad hoc Neighborhood Resiliency Projects Advisory Committee ("Committee") for a period of one year, in order to advise the City Manager and City Mayor and City Commission on neighborhood and private property matters related to the City resiliency projects; and

WHEREAS, the purpose, powers and duties, composition, terms of office, knowledge and experience of the Committee members, and administrative liaison to the Committee are set forth in Exhibit "A" attached to this Resolution.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby establish the "Ad Hoc Neighborhood Resiliency Projects Advisory Committee," for a period of one year (subject to earlier or later sunset by City Commission) to advise the Administration and City Commission in connection with the City's resiliency projects in order to improve planning and delivery of these critical projects; prescribe the purpose, powers and duties, composition, terms of office, knowledge and experience of the Committee members; and, provide for an administrative liaison to the Committee.

PASSED AND ADOPTED this ____ day of _____ 2021.

Dan Gelber, Mayor

ATTEST:

Rafael E. Granado, City Clerk

Sponsored by Commissioner Mark Samuelian

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney
FA

5-4-21

Date

EXHIBIT "A"

Ad Hoc Neighborhood Resiliency Projects Advisory Committee

A. Purpose

The Neighborhood Resiliency Projects Advisory Committee shall act as an advisory board to City Commission and City Manager on neighborhood and private property matters related to the City resiliency projects in order to help improve planning and delivery of these critical projects by incorporating resident ideas and feedback.

B. Powers and duties.

The Ad Hoc Neighborhood Resiliency Projects Advisory Committee shall have the following powers and duties:

- (1) Provide advisory recommendations on best approaches to enhance resident education, resident engagement, and community decision making pertaining to the City's resiliency projects.
- (2) Provide advisory recommendations regarding best resiliency practices and adaptations, and requirements for private property owners.
- (3) Receive input from the community and evaluate issues related to the impact of the resiliency projects on neighborhoods, including neighborhood aesthetics and pump locations, and provide advisory recommendations regarding the same to the City Commission and City Administration.
- (4) To provide a forum for residents to share best practices and lessons learned from previous and ongoing projects.

C. Membership Composition

The Ad Hoc Neighborhood Resiliency Projects Advisory Committee shall be composed of nine (9) members, with seven (7) direct appointments made by individual city commissioners and the mayor, and two (2) at-large appointments, all of whom shall be appointed to serve for a term of no more than one (1) year at a time.

- (1) The nine (9) members shall be affiliated with the City pursuant to the general requirements in section 2-22 of the City Code. In addition, the members must meet the following requirements:

- (a) Technical Member. One (1) out of nine (9) members of the Committee shall possess an expertise in civil engineering or related background with a focus on infrastructure.

(b) Planning Member. One (1) out of nine (9) members of the Committee shall possess an expertise in architecture or related field with a focus on neighborhood planning.

(c) General Requirements. Each of the nine (9) members must have a demonstrated interest in flooding, sea level rise and adaptation, infrastructure, and/or neighborhood leadership issues, including, without limitation, homeowners associations, condominium associations, cooperatives, civic groups, or other similar qualifications.

D. Conflict of interest.

In accordance with Florida law, under circumstances presenting a conflict of interest, an advisory board member should abstain from voting with respect to any measure in which the advisory board member has a personal, private, or professional interest and which inures to his special private gain or the special gain of a principal by whom he is retained. The City Attorney's Office liaison shall assist advisory board members in addressing any potential voting conflicts, as necessary.

E. Administrative Liaison

The supporting departments for the Ad Hoc Neighborhood Resiliency Projects Committee shall be the City Manager's Office, Public Works Department, Planning Department, Environment and Sustainability Department, and the Office of Capital Improvements. The City Attorney's Office shall provide counsel to the Committee, and the City's Office of the Inspector General shall provide oversight.