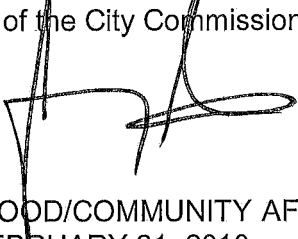


# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Mayor Dan Gelber and Members of the City Commission

FROM: Jimmy L. Morales, City Manager 

DATE: March 1, 2018

SUBJECT: REPORT OF THE NEIGHBORHOOD/COMMUNITY AFFAIRS COMMITTEE (NCAC)  
MEETING ON WEDNESDAY, FEBRUARY 21, 2018.

A meeting of the Neighborhood/Community Affairs Committee was held on Wednesday, February 21, 2018 at 10:00 a.m. in the Commission Chambers, 3rd Floor of City Hall. Commissioners in attendance: Commissioners Kristen Rosen Gonzalez, Michael Góngora, Mark Samuelian, and John Elizabeth Alemán. Members from the Administration and the public were also in attendance.

**MEETING OPENED AT 10:02 A.M.**

### **OLD BUSINESS**

1. **DISCUSSION REGARDING RESIDENTIAL PARKING RATES FOR RESIDENTS WITHOUT A MOBILE PHONE**  
September 25, 2017 - R9 AF  
Sponsored by Commissioner Steinberg  
Parking

#### **ACTION**

Kathie Brooks, Assistant City Manager provided an update on this item. The City is continuing to work with the manufacturer of the pay stations. They are in the process of implementing software that will allow residents to receive a discounted rate without the use of a cellphone. The City is still on track to implement the software for the pay stations in May of this year. In the future, the status can be provided through LTC updates until it is implemented.

**MOTION:** Commissioner Góngora made a motion to remove this item from the agenda and send out future updates via LTC.

2. **DISCUSSION REGARDING REGULATING KITEBOARDING AND OTHER WATERCRAFT ACTIVITIES ON MIAMI BEACH**  
December 13, 2017, C4 G  
Sponsored by Commissioner Rosen Gonzalez  
Tourism, Culture, and Economic Development

*We are committed to providing excellent public service and safety to all who live, work, and play in our vibrant, tropical, historic community.*

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**DIRECTION:** See related item #3.

3. **DISCUSSION REGARDING ILLEGAL KITE SURFING ON 24TH STREET**

February 14, 2018 - R9 I

Sponsored by Commissioner Rosen Gonzalez

Code Compliance

**ACTION**

Mark Milisits, Asset Manager for the Office of Real Estate stated the committee discussed this item at the December 20, 2017 meeting and agreed there is a need to regulate kiteboarding. The committee requested the item be brought back for discussion after obtaining additional input from the public. On February 9, 2018, the City held a second public workshop at the North Beach Youth Center. Approximately 60 members of the community attended the meeting including members of Miami Beach Kiteboarding Foundation and representatives from condo buildings such as Triton Towers, Oceanfront Plaza and Club Atlantis. Mr. Milisits showed a video of kiteboarding activity that occurs on Miami Beach.

The video showed illegal lessons, kite boarders riding close to shore, kite boarders riding close to swimmers, kite boarders attempting tricks close to the shore, and kite boarders riding in front of the towers. Mr. Milisits reported that not all kite boarders were conducting themselves in this manner, with many kite boarders conducting themselves in a safe manner.

He further reported on the public workshop meeting as follows, the feedback had three main themes:

1. A way for the City to create regulations and enforce rules.
2. Creation of an area specifically designated for lessons.
3. A certification or registration process by which experienced kite boarder would submit their credentials.

Representatives from Oceanfront Plaza Condominium provided a petition that was included in the agenda as exhibit 6. The petition demanded that kitesurfing be banned from the 26th Street location. Forty two respondents agreed with the ban and nine disagreed, roughly four out of five agreed with the ban.

The Miami Beach Kiteboarders Foundation provided a separate petition with 683 individuals who either say they enjoy kite boarding or kite board themselves.

The Administration has met twice in the last two weeks with representatives from the Miami Beach Kiteboarding Foundation. The Miami Beach Kiteboarding Foundation proposed that kiteboarding be allowed in the 24th to 25th Street area.

The Administration proposed regulations as follows:

Kite boarding be allowed in three locations citywide. The South location would be at 36th street behind the 36 street parking lot between 35th and 36th Street. This location has a city parking lot and public restrooms. This location would be open seven days a week and

used by registered level 3 riders only. Level 3 riders are certified as being independent and essentially competent. There would be no lessons at this location. The North location would be at North Shore Open Space Park at approximately 85th Street. Public parking is available at the West Lots and public restrooms are available. This location gets busy on the weekends and during holidays. This location would only be open to kiteboarding Monday through Friday. No weekends or holidays. This location would be used by level three riders only. No lessons will be allowed at that location. Lessons would also be allowed at the existing location of Ocean Terrace. This location would be open seven days a week. The Ocean Terrace location would allow for lessons, rentals and level three riders.

Guidelines for independent riders would be: Level 3 certification, minimum 50 feet distance from swimmers, minimum 300 feet distance from shore which would be outside of the guarded areas, no kites are allowed to be flown over the shore and a registration process where the kites and the riders are identified with streamers.

Kathie Brooks added that the Kiteboarding Association was open and supportive of the idea for a regulatory certification process for level 3 kiteboarders. The big difference is that they would like the rest of the beach to be open to kiteboarding as well.

Maria Fernandez resident of Triton Towers expressed her opposition regarding kiteboarding between 25<sup>th</sup> and 29<sup>th</sup> street.

Joe Londono, resident of Triton Towers /member of the Miami Beach Leadership Academy and fellow kite surfer stated he is disturbed by this process and the lack of transparency with the notices.

Phyllis Sperling resident of Club Atlantis shared stories of different incidents where bystanders were injured by kitesurfing.

James Spears resident of Club Atlantis stated that only one kiteboarding incident was reported last year but there had been 30 to 40 drownings in Miami Beach and 65 incidents with bicycles where people were hit on the boardwalk. Mr. Spears proposed Miami Beach have a minimum of 5 locations for kiteboarding like other cities in Florida.

Henry Zob suggested that Miami Beach create enforced zones for kiteboarding and educate bathers about not getting into kite zones. Alicia Casanova, Representative from the Mid Beach Neighborhood Association stated a three stipulated resolution on the Mid Beach Neighborhood Association position was submitted to the City Clerk's office the day before. Ms. Casanova noted two important issues that need to be addressed. 1. It is impossible to control kiteboarding in one area. 2. Kiteboarders take up numerous blocks when they begin. It is a dangerous sport. It is a risk to beachcombers and swimmers. Enforcement is a big issue. The area can be marked by buoys just like jetski areas. Unlimited open access without bouys will be strongly opposed and so will launching in front of condominiums. A 200 hundred feet area off shore for launching in and out is recommended. The last easternmost buoy would be 200 feet offshore. Miami Beach Police, Ocean Rescue or other entities from the government can help enforce these rules.

Commissioner Gongora asked if the Mid Beach Neighborhood Association supported an additional site closer to the beach area or if they supported staff recommendation.

Alicia Casanova responded that MBNA support the staff recommendation.

Joe Garcia resident at 2457 Collins Avenue suggested there be no kiteboarding behind Triton Towers, Club Atlantis or Oceanfront Condominium. Opening up a kiteboarding location at 25th Street and moving the guard tower about 150 feet North. Only level three kiteboarders should be allowed in areas where there are not lifeguard towers. The problem is not the level three kiteboarders, the issue is the kiteboarding lessons are being taught behind residential buildings.

Commissioner Samuelian stated kiteboarding is growing significantly and that there are some legitimate safety concerns and regulations that need to be put in place. The kiteboarding rules that have been set are good and need to be adopted and areas need to be designated. Moving the lifeguard stand to open up the location and exploring certification. Designated areas need to be enforced.

Commissioner Gongora stated that that everybody appears to be in favor of regulating the sport. Level three kite surfers have more experience and should have more flexibility to go to more areas than people that are learning the sport. Besides implementing the rules and regulations, designating specific areas is important for residents' safety and enjoyment of the sport.

**MOTION:** Commissioner Gongora made a motion to move this item to Commission with a recommendation for regulations that would include 1) a regulatory process with certification for level 3 kite boarders and an enforcement plan for those regulations. 2) provide 3 kiteboarding locations: one that allows classes (the area for classes can also be used by the level 3 kite boarders) and two additional areas that were recommended by the administration (between 35th and 36th street and another at 84th street) for Level 3 kiteboarders only; and 3) work with the kite surfers to identify another area (possibly 25<sup>th</sup> Street) before this goes to Commission. Commissioner Samuelian seconded. All in favor.

Commissioner Samuelian added to the motion to also consider 55th street and 64th street as additional locations.

Commission Rosen Gonzalez added to include marked buoys for kiteboarding areas.

4. **DICUSSION REGARDING A POTENTIAL ANTI-SEXUAL HARASSMENT ORDINANCE TO PROTECT HOTEL EMPLOYEES BASED UPON LEGISLATION ADOPTED BY THE CITY OF CHICAGO**

December 13, 2017 - C4 H

Sponsored by Commissioner Rosen Gonzalez Office  
of the City Attorney

**ACTION**

Kandiz Lamb, Vice President of Unite Here - Local 355 provided a status update on this item. Ms. Lamb stated that Unite Here surveyed hotel workers that they represent who were affected by harassment in hotels every day. People are afraid to speak about their incidents with harassment. To date, Unite Here has collected a few dozen surveys. Ms.

Lamb recalls a story that was told to her about a Haitian room attendant by the name of Rose Phillips. Ms. Phillips was attacked by an intoxicated hotel guest while trying to service a room. Due to the attack, Ms. Phillips was beaten really badly and was out of work for several months.

The last question on the survey asked workers if they felt their jobs would be safer if they had a panic button and all of the workers that completed the survey responded yes. Unite Here is in touch with locals in Seattle and Chicago and are trying to figure out how they were able to get people to open up about their experiences. Harassment is a very tough subject for people to talk about because they fear retaliation or potentially losing their jobs.

Commissioner Rosen Gonzalez asked if the research conducted was enough to draft an ordinance or if more survey information was needed.

Nick Kallergis, Senior Assistant City Attorney stated that an ordinance can be drafted once more surveys were conducted with quantitative data, and that surveys were shared with City staff, excluding the personal information of the victims.

Commissioner Rosen Gonzalez stated there is a need to protect hospitality workers and there is not a large capital outlay in the panic button business. Panic buttons can be programmed on a cellphone and hidden so when workers go into hotel rooms they can discreetly press on the app and get help. It would not be a large expenditure for hotels but it would go a long way in creating a legislation surrounding this entire movement. Looking at the survey results from Chicago, 100% of the people unanimously voted in favor of the panic button. Commissioner Rosen Gonzalez also stated she would like to get the qualitative story behind the Haitian women that was attacked. It is important to show that there is a fear out there and to establish the necessity for a panic button.

Nick Kallergis stated anecdotal evidence can be included without providing any identifying information like names and employers.

Commissioner Gongora stated that he had some concerns regarding the cost of panic buttons. Since it can be an app, it can be inexpensive if not free.

Commissioner Rosen Gonzalez stated that hotels do not have to get the app, they can get a panic button on their own. The capital outlay for that would be between five dollars and thirty dollars per panic button.

Commissioner John Aleman asked that before this gets to the full Commission, if the Committee could think about what the implementation timeline should be and roll out details. Commissioner John Aleman thinks this is a wonderful concept and is supportive of it.

Commissioner Rosen Gonzalez stated panic buttons would be factored into the BTR. Hotels would have to show that they had some sort of panic button protection for every hospitality worker.

Kandiz Lamb noted that hotel workers are not allowed to have their phone while working so the app may be an issue.

Commissioner Rosen Gonzalez stated there can be a stipulation in place if workers are not allowed to have their cellphones while working, the hotel would have to provide another type of panic button.

**MOTION:** Commissioner Gongora made a motion to move the item forward to the full Commission. Notify the Miami Beach Hotel Association so that their members are aware that this needs to be implemented with a slow roll out of six months. Everyone needs to know this is a law and needs to comply. Commissioner Gongora also added to include the costs of panic buttons so when it gets to the Commission, they know specifically what they would be voting on. Commissioner Samuelian seconded. Vote by acclamation, all in favor.

5. **DISCUSSION REGARDING THE CURRENT ROUTES AND CONDITIONS OF THE MIAMI BEACH TROLLIES, AS WELL AS ACCESSIBILITY FOR SENIORS AND HANDICAPPED PERSONS**

December 13, 2017 - C4 M

Sponsored by Commissioner Góngora  
Transportation

**ACTION**

Jose Gonzalez, Director of Transportation stated that in a response to concerns and complaints they received from the community, six changes were made to the low floor trolleys. New foot rests for the high bench above the right wheel well were installed, a storage rack was created above the front wheel well, rear support railing to ease the transition from the high floor portion to the lower portion in the rear of the vehicle, longer leather straps were installed, and the benches that are above the rear wheel wells were raised in order to allow for more leg room. The cost of a majority of these items are being borne by the trolley manufacturer, Hometown Trolley. Hometown Trolley can make the changes to all twelve low floor trolleys in the fleet in about four weeks' time. There is a nominal cost of about four hundred dollars per trolley or about a forty eight hundred dollars for all twelve. In addition to those changes, wider seat cushions will be added to the bottom and back of the benches for make it more comfortable. Making these changes would reduce a great deal of complaints in terms of comfort and accessibility.

Jose Gonzalez confirmed that the plan was to get feedback from the reps and seniors at Rebecca Towers.

Jose Gonzalez stated that there is funding within the Transportation budget to make these changes.

As for the routes, Commissioner Samuelian stated that feedback should be heard from Rebecca Towers because that is where the modified trolleys will be tested.

Commissioner Rosen Gonzalez stated she would like to be at the trolley demonstration at Rebecca Towers so she can see the tweaks and hear feedback from the community.

Commissioner Gongora stated in regards to the route, he is not in favor of spending an extra million dollars to reduce the ride wait today. However, he would be in favor of spending that money in the future if there was connectivity between Miami Beach and Miami. Commissioner Gongora spoke with a few Miami Commissioners that stated that they would support the idea of connecting at Omni Station. He would like to push harder to see how trolleys can go across the Venetian causeway connecting the two communities. Provided Miami also puts some money into this. Commissioner Gongora suggested getting rid of Belle Isle because it has the lowest ridership.

Commissioner Samuelian suggested that at the next Transportation Committee meeting they could focus on Belle Isle and come back with a recommendation.

**MOTION:** Commissioner Gongora made the following motion: 1) Incorporate a visit to Rebecca Towers to look at the trolleys and get feedback from the community before the retrofits; 2) Authorize expenditure for the retrofits; 3) Monitor when the contracts expire so that more user friendly trolleys can be ordered in the future; 4) Push harder in regards to the City of Miami connecting the two cities via trolleys by route of the Venetian Causeway and 5) Refer to the Transportation Parking Bicycle and Pedestrian Facilities Committee as a discussion regarding the routes with emphasis on whether the Belle Isle loop should be continued and notify the Belle Isle Association regarding that meeting. Commissioner Samuelian seconded. All in favor.

6. **DISCUSSION REGARDING 1) RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING THE BUSINESS TERMS FOR THE ISSUANCE OF A PERMIT TO SKINNY LABS INC. D/B/A SPIN, IN CONNECTION WITH A SIX (6) MONTH CITYWIDE PILOT PROGRAM FOR STATIONLESS BIKE SHARING SERVICES; AUTHORIZING THE ADMINISTRATION TO NEGOTIATE A FINAL PERMIT AGREEMENT BASED UPON THE TERMS SET FORTH HEREIN; AND FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE THE FINAL PERMIT AGREEMENT; AND 2) REGULATIONS FOR DOCKLESS BIKESHARING PILOT PROGRAM**

December 13, 2017 - R7 J

Sponsored by Vice-Mayor Alemán

Parking

**DIRECTION:** Deferred to the March 21, 2018 NCAC meeting.

7. **DISCUSSION ON OFFERING MIAMI BEACH AS A PILOT CITY FOR UBER SELF-DRIVING CARS**

January 11, 2017 - C4 B

Sponsored by Commissioner Rosen Gonzalez

Transportation

**DIRECTION:** Deferred to the March 21, 2018 NCAC meeting.

8. **DISCUSSION REGARDING POST ACTION ON HOLIDAY LIGHTING PROGRAM**

January 17, 2018 - C4 K  
Sponsored by Vice Mayor Alemán  
Property Management

**DIRECTION:** Deferred to the March 21, 2018 NCAC meeting.

9. **DISCUSSION DIRECTING STAFF TO ENHANCE NEXT YEAR'S HOLIDAY DECORATION**

January 17, 2018 - C4 L  
Sponsored by Commissioner Samuelian  
Property Management

**DIRECTION:** Deferred to the March 21, 2018 NCAC meeting.

10. **DISCUSSION REGARDING KEEPING THE ENTRANCE TO MIAMI BEACH LIT UP YEAR-ROUND**

January 17, 2018 - R9 Q  
Sponsored by Commissioner Rosen Gonzalez  
Property Management

**DIRECTION:** Deferred to the March 21, 2018 NCAC meeting.

11. **DISCUSSION REGARDING ENHANCING NORTH BEACH THROUGH CREATIVE FUNDING OPTIONS, AND DIRECTING THE ADMINISTRATION TO DEVELOP A QUALITY OF LIFE PLAN THAT INCLUDES OPTIONS WITH RESPECT TO TRAFFIC, PARKING AND NEIGHBORHOOD PROJECTS, CONSISTENT WITH THE NORTH BEACH MASTER PLAN, WITH SUCH PROJECTS TO POTENTIALLY BE FUNDED BY A DEDICATED FUNDING STREAM FOR THE BENEFIT OF THE NORTH BEACH AREA**

January 17, 2018 - C7V  
Sponsored by Commissioner Samuelian  
Tourism, Culture, and Economic Development

**ACTION**

Kathie Brooks, Assistant City Manager stated that item number 11 is a little bit different from item number 14.

**DIRECTION:** Kathie Brooks suggested that Eva Silverstein, Director of Tourism, Culture and Economic Development meet with each of the Commissioners on the Committee one on one to review the preliminary list that was provided.

**NEW BUSINESS**

12. **DISCUSSION REGARDING NON-TOXIC PRODUCTS IN MIAMI BEACH**



December 13, 2017 - C4 K  
Sponsored by Commissioner Góngora  
Environment and Sustainability

**DIRECTION:** Deferred to the March 21, 2018 NCAC meeting.

13. **DISCUSSION REGARDING THE RATIONAL RECOVERY PROJECT, SPONSORED BY THE FREEZONE YOUTH SELF RESPECT AND SOUTH BEACH SOBER COACH**  
January 17, 2018 - C4 M  
Sponsored by Commissioner Góngora  
Office of Housing and Community Services

**DIRECTION:** Deferred to the March 21, 2018 NCAC meeting.

14. **DISCUSSION REGARDING ECONOMIC INCENTIVES FOR SMALL AND LEGACY OWNED BUSINESSES IN THE CITY OF MIAMI BEACH**  
January 17, 2018 - C4 N  
Sponsored by Commissioner Góngora  
Tourism, Culture, and Economic Development

**ACTION**

Commissioner Rosen Gonzalez stated that since the Deauville has gone dark the entire area is suffering. All of the commercial businesses are down somewhere between 25 to 35%.

Diego Caiola, Publisher of Miami Beach Life Magazine/Director of North Beach Business Organization/Director of Miami Beach Small Business Group stated that last month alone, three businesses have closed in North Beach. The businesses in North Beach need help. Mid Beach is getting hit hard as well.

Commissioner Rosen Gonzalez stated there is a connection to the closed businesses with regards to the Deauville which had about 1,000 hotel rooms. The Deauville was the economic generator for the entire area. After Hurricane Irma, the hotel has gone dark due to electrical problems and they are still trying to figure it out. Moving forward, the City will speak with the owners of the Deauville to see what can possibly been done. If nothing is done, there will be loss to an entire commercial district, little by little.

Diego Caiola stated there are so many red tapes regarding permits and grants that the businesses are having.

Kathie Brooks stated that Administration is working on the permitting for the sidewalk cafe permits, which was an item that was referred to Finance.

Commissioner Samuelian stated he does not believe that there is an adequate voice at City Hall for small businesses. An action to consider would be to create a task force where businesses can be heard in North Beach, Mid Beach and South Beach.

Commissioner Rosen Gonzalez stated that North Beach needs a community newspaper or magazine to connect residents to the commercial district because they all depended on that one hotel for entire area.

Diego Caiola stated the main reasons Miami Beach Life Magazine was started was to it affordable for everyone. Not all the small businesses and mom and pop shops can afford *Ocean Drive* or *New Times*. Miami Beach Life Magazine is \$400 a half page and anyone can advertise. Mr. Caiola agreed with Commissioner Samuelian's idea of creating a task force.

Eva Silverstein stated her office would be happy to meet with any small business operator in Miami Beach to see how they can work together.

Commissioner Rosen Gonzalez suggested asking the Mayor to create a Blue Ribbon Panel.

Commissioner Samuelian suggested each commissioner appoint one member.

Commissioner Gongora suggested creating a seven member task force to represent each of the commissioners with a specific focus to help small businesses. Notify the Chamber of Commerce so they are aware that this is happening.

**MOTION:** Commissioner Samuelian made a motion to create a task force that would help small businesses and would come up with ways to incentivize them. Commissioner Gongora seconded. All in favor.

15. **DISCUSSION REGARDING THE NUMBER OF SEATS ON THE PARKS AND RECREATIONAL FACILITIES ADVISORY BOARD**

January 17, 2018 - R5 G

Sponsored by Vice-Mayor Alemán & Co-sponsored by Commissioner Góngora  
Parks and Recreation

**DIRECTION:** Deferred to the March 21, 2018 NCAC meeting.

16. **DISCUSSION REGARDING THE PERMANENT TERMINATION OF THE CITY'S MONTH-TO-MONTH AGREEMENT WITH XEROX STATE AND LOCAL SOLUTIONS, INC. ("XEROX") REGARDING THE PHOTO RED LIGHT ENFORCEMENT PROGRAM**

January 17, 2018 - R9 T

Sponsored by Commissioner Rosen Gonzalez Office  
of the City Attorney/Police

**DIRECTION:** Deferred to the March 21, 2018 NCAC meeting.

17. **DISCUSSION REGARDING THE FUTURE LOCATION OF 2018 CICLOVIA EVENTS**

February 14, 2018 - C4 A

Sponsored by Commissioner Samuelian

Marketing and Communications

**DIRECTION:** Deferred to the March 21, 2018 NCAC meeting.

18. **DISCUSSION REGARDING THE ANNUAL REVIEW OF THE CITY'S LIST OF DESERVING ORGANIZATIONS AND/OR GROUPS ELIGIBLE TO RECEIVE COMPLIMENTARY TICKETS AS PER THE CITY'S COMPLIMENTARY TICKET POLICY PURSUANT TO RESOLUTION NO. 2014-28638**

February 14, 2018 - C4 B

Tourism, Culture, and Economic Development

**DIRECTION:** Deferred to the March 21, 2018 NCAC meeting.

19. **DISCUSSION REGARDING THE CITY'S GROWING YOUTH BASEBALL PROGRAM MANAGED BY DANNY BERRY'S BASEBALL CAMP, INC. AND WAIVER OF BID TO CONTINUE THE CURRENT YOUTH BASEBALL PROGRAM**

February 14, 2018 - C4 C

Parks and Recreation

**ACTION**

Commissioner Rosen Gonzalez stated that she has been spending a lot of time down south in small municipalities like Palmetto Bay Cutler, Bay Pine Creek and South Miami where there are robust baseball programs in which Danny Berry is heavily involved. It creates a great sense of community. There are baseball games every Saturday and the community comes together. Miami Beach does not have the facilities that are needed at this time to have this type of program. Commissioner Rosen Gonzalez continued on to say she would be in support of and subsidizing a baseball initiative because the youth needs it more than ever now.

Commissioner John Aleman asked if one of the West lots could be used for this purpose. The City is basically out of space and the par 3 would never be used for programmed recreation.

Commissioner Rosen Gonzalez stated that this is the type development that the City wants to encourage for the West Lots. Instead of selling or leasing them out they can be used by the community. Commissioner Rosen Gonzalez added she would like to see sports facilities in the West Lots and this program expanded.

Kathie Brooks, Assistant City Manager, stated that in a past Commission meeting, direction was given to do a study with Dover Kohl regarding the conceptual use of the West Lots.

Commissioner Gongora stated that he is always in support of creating more public park spaces and playgrounds for public purposes. He would not be supportive of renting out the West Lot for commercial retail but instead keep it for city purpose.

Commissioner Rosen Gonzalez stated that there are only two baseball fields in the city.

John Rebar, Director of Parks and Recreation noted that the baseball fields are located at North Shore Park and they are currently expanding into Polo Park and trying to get into Flamingo Park but it is packed almost every minute of the day. Discussions are being held with Biscayne Elementary and the School Board to see if space can be expended there. There are two fields in the North and two fields in the South.

Commissioner Rosen Gonzalez suggested offering to create a baseball field at Beach High since the field is currently not being used.

John Rebar stated that conversations are currently being held between the Manager and School Board staff regarding the space. Dr. Leslie Rosenfeld is meeting with staff to discuss expanding field at Beach High.

Commissioner Gongora stated that when anything was proposed for the space, the Bayshore Homeowners Association would get very upset.

Commissioner Rosen Gonzalez stated that the field is an existing sporting field that is not being used by anybody. It does not have any turf on it, it is just a field of weeds.

Commissioner John Aleman asked if the committee would consider moving the addition to the Dover Kohl scope to see if this would be a good use of one of the West Lots.

**MOTION:** Commissioner Gongora made a motion to move the item [the waiver of bid to continue the existing baseball program with Danny Berry's Baseball Camp, Inc.] to the full Commission with a favorable recommendation. Commissioner Samuelian seconded. All in favor.

Commissioner Gongora included adding an evaluation of a baseball field to the discussion on the best uses of the West Lots to the motion.

20. **DISCUSSION REGARDING THE CITY OFFERING AFFORDABLE SPINNING CLASSES**

February 14, 2018 - C4 D

Sponsored by Commissioner Rosen Gonzalez Parks and Recreation

**DIRECTION:** Deferred to the March 21, 2018 NCAC meeting.

21. **DISCUSSION REGARDING MIAMI BEACH PAVER MEMORIAL PROGRAM**

February 14, 2018 - C4 E

Sponsored by Commissioner Rosen Gonzalez Parks  
and Recreation

**DIRECTION:** Deferred to the March 21, 2018 NCAC meeting.

22. **DISCUSSION REGARDING FORMING A CITIZEN ANIMAL ADVOCACY AND WELFARE COMMITTEE**

February 14, 2018 - C4 F

Sponsored by Commissioner Samuelian & Co- Sponsored by Commissioner Góngora  
Office of the City Attorney

**DIRECTION:** Deferred to the March 21, 2018 NCAC meeting.

23. **DISCUSSION TO CONSIDER ESTABLISHING A NEW BARK BEACH IN SOUTH BEACH**

February 14, 2018 - C4 G

Sponsored by Vice Mayor Alemán Parks  
and Recreation

**DIRECTION:** Deferred to the March 21, 2018 NCAC meeting.

24. **DISCUSSION REGARDING EXCESSIVE DOG FECES THROUGHOUT THE CITY**

February 14, 2018 - C4 H

Sponsored by Commissioner Góngora  
Public Works

**DIRECTION:** Deferred to the March 21, 2018 NCAC meeting.

25. **DISCUSSION ON POTENTIALLY ADDING THE NAME "MIAMI BEACH BOULEVARD" TO 5TH STREET**

February 14, 2018 - C4 I

Sponsored by Commissioner Góngora  
Transportation

**DIRECTION:** Deferred to the March 21, 2018 NCAC meeting.

26. **DISCUSSION REGARDING THE CLEANLINESS INDEX PROGRAM**

February 14, 2018 - C4 J

Sponsored by Commissioner Góngora

Organizational Development/Public Works

**DIRECTION:** Deferred to the March 21, 2018 NCAC meeting.

27. **DISCUSSION REGARDING CABLERUNNER AND ITS TECHNOLOGY**

February 14, 2018 - C4 V

Sponsored by Vice Mayor Alemán

Public Works/Information Technology

**ACTION**

A representative from CableRunner presented this item as follows:

CableRunner technology is currently done in Europe and is only now coming to the United States. CableRunner owns the North America rights to install this technology. This technology assists in building smart city projects, from traffic control, police cameras surveillance, autonomous driving, flood control and water control. The system is basic, it is installed by robotic machines cable trays that can put a tremendous amount of fiber optic cable capacity in a sewer system and storm water drain systems.

In the next five to ten years this technology will be in the top 50 to 100 major cities in the United States. A traditional way of getting fiber into cities is by trenching - opening up streets. It is a traffic nightmare because streets need to be shut down. Cities like New York, Chicago and Boston don't allow streets to be opened up from November to February, given the holiday season. Getting this kind of fiber capacity into cities is very difficult. As everybody looks to the future in terms of fiber capacity, 5G is the next big rollout for cell phone usage. Carriers like AT&T, Verizon, Sprint and T-Mobile won't be able to offer 5G without massive fiber capacity. The big carriers are either buying or getting ready for a massive buildup of fiber capacity. 5G will not come to cities unless there are appropriate fiber capacity.

CableRunner can assist Miami Beach in building out its smart city program. The city of Vienna uses this technology to maintain and regulate the city when they big storms. Through sensors in the in the sewer lines, they are able to modify and regulate their water flow. Miami and Miami Beach have problems with flooding and this might be an essential part of the smart city program.

Commissioner Rosen Gonzalez asked if any other company is doing it and if this needed to go out for a competitive bid. Commissioner Rosen Gonzalez also asked that the City's sewer systems can allow for this type of infrastructure because a lot of the sewer systems are old.

Commissioner John Aleman stated the reason she put this item on the agenda was to give staff the authorization to look into this type of technology. Figure out what the benefits to the city may be, who the vendors are, what the possible downsides may be and etc.

Commissioner Rosen Gonzalez stated the most important thing is to look the City's sewer system.

Roy Coley, Infrastructure Director for the Public Works Department stated they are excited by the possibilities. Public works has exchanged information with the vendor regarding layouts, maps and sizing of the sewers. It is too soon to tell whether to endorse or go against this type of technology. They are still in the evaluation phase and trying to determine what the possibilities are.

**DIRECTION:** Commissioner Gongora directed staff to work with CableRunner and to bring this item back to the committee to discuss if this is worth pursuing. The City's IT/Public Works Department is to speak with the Public Works Departments in Cleveland and Calgary regarding their experience. Commissioner Samuelian seconded. All in favor.

28. **DISCUSSION REGARDING AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 2 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "ADMINISTRATION," BY AMENDING ARTICLE III, ENTITLED "AGENCIES, BOARDS AND COMMITTEES," BY AMENDING DIVISION 18, AND SECTIONS 2-190.11 THROUGH 2-190.14 THEREOF, ENTITLED "RESERVED," TO CREATE THE "SENIOR AFFAIRS COMMITTEE," AND TO ESTABLISH AND SET FORTH THE PURPOSE, POWERS, DUTIES, COMPOSITION, AND SUPPORTING DEPARTMENT FOR THE COMMITTEE, AND, PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE**

February 14, 2018 - R5 O

Sponsored by Commissioner Góngora

Office of the City Attorney

**DIRECTION:** Deferred to the March 21, 2018 NCAC meeting.

29. **DISCUSSION REGARDING AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 82 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "PUBLIC PROPERTY," ARTICLE IV, "USES IN PUBLIC RIGHTS-OF- WAY, DIVISION 5, "SIDEWALK CAFES," TO AMEND THE DISCLOSURE REQUIREMENTS FOR SIDEWALK CAFE OPERATORS, AND TO FURTHER PROVIDE SUPPLEMENTAL PENALTY PROVISIONS FOR SPECIFIED VIOLATIONS OF THIS DIVISION; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE**

February 14, 2018 - R5 P

Sponsored by Commissioner Samuelian

Office of the City Attorney

## **ACTION**

Commissioner Samuelian started the discussion on this item. He started that this item passed unanimously at the first reading and is due for a second reading in April. An agreement at Commission was to provide opportunities for community input particularly from the business community.

Tessie Velasquez from the Ocean Drive Association stated an issue that Ocean Drive is having is with the common use of group pricing and would to see changes in the language. For instance, five dollars for a happy hour appetizer and then a list of items underneath it. The language shows that every single item has to five dollars right behind, instead of it being grouped. The compromise language stated it would be at the discretion of the City Manager but it doesn't specifically identify pricing. For example Doruku has a five dollar menu and a seven dollar menu. They would have to change their menu and it would have to be changed throughout the City. So we'd like to see that addressed. Ms. Velazquez asked if the language could be addressed in a manner that is not subject to interpretation. Ms. Velazquez sent proposed language that says if that menu every changes they have to submit it to the City for approval. Throughout the year, menus change based on seasonal food.

There are some issues with the site plan. Per legislation, the City Manager can suspend a sidewalk cafe permit after a site plan violation is enforced. There is already sufficient legislation in place for enforcement that it doesn't have to go to the level of suspending a BTR for a minor infraction. Code Enforcement Officers shouldn't have a lot of latitude and the directive should be spelled out for them regarding what should be done. Ms. Velazquez suggested conducting a workshop with samples available so that at the time of permitting, members can be coached and receive advice without it being a part of the regulatory position of the City.

Commissioner Samuelian stated that the first issue was items being grouped under a common price. This issue was raise before and it was the position of the City Attorney's Office at the time, to continue to have enforcement and not explicitly allow it but it would be allowed by the Manager.

Nick Kallergis, Senior Assistant City Attorney stated that the way the ordinance was written, the prices needed to be displayed next to each item except when authorized in writing by the City Manager. Mr. Kallergis stated a compromise would be a set of design guidelines for what is appropriate and what is not.

Commissioner Samuelian asked how specialty drinks would fit with the current language.

Nick Kallergis stated any menus that are handed out to sidewalk cafe patrons should be submitted to City staff.

Commissioner Rosen Gonzalez stated that the purpose of this is not to punish good operator. Customers being ripped off and sold drinks at one price then their bill has a different price is what needs to stop.

Commissioner Samuelian suggested that specialty bottles go through the same approval process with the City Manager number. The Ocean Drive Association submitted language



regarding that during the initial sidewalk permit process the menu is presented but if there are any updates they would come. The language was submitted to the City Attorney's Office.

Nick Kallergis stated that this is an important concession from the operators to allow the City to review menu changes.

Commissioner Samuelian stated that there were some concerns regarding minor site plan violations.

Nick Kallergis asked if the committee would like to change the language regarding the suspension of a BTR for site plan violations. There is a provision allowing the City Manager to suspend a sidewalk cafe permit for a life safety site plan or for consumer fraud violation

Commissioner Gongora stated that a site plan violation should not cause somebody's license to be revoked if a table or chairs is moved.

Nick Kallergis stated site plans are meant to address ADA accessibility. The BTR suspension provision is a new penalty, everything else has already been a part of the code ordinance.

Commissioner Samuelian stated he would like to see the proposed language from Mango's or any other establishment regarding the site plan.

Commissioner Gongora stated incentivizing North Beach and Washington Avenue sidewalk cafes is going to the Land Use Committee because those are struggling. The only businesses that had issues with this item are located on Ocean Drive. Commissioner Gongora asked to have this ordinance limited to Ocean Drive.

Commissioner Rosen Gonzalez stated to leave North Beach out of the ordinance.

Nick Kallergis stated the essence of this ordinance it to require sidewalk café operators to state their prices, specials and provide City staff with a copy of their menus.

Commissioner Rosen Gonzales stated that enforcing a review of every menu is not practical because menus are changed everyday

Nick Kallergis stated that the ordinance is just requiring operators to disclose their prices. The menus are being reviewed because when the disclosure requirements were adopted issues arose. Operators were not disclosing accurate prices.

Commissioner Samuelian stated that this ordinance is in place to close up some loopholes that operators have taken advantage of. Reviewing the menus is being incorporated in the permitting process. The penalty for the first violation is five hundred dollars.

Commissioner Gongora stated he would like the ordinance to say that if the City Manager finds establishments price gouging he can revoke their BTR.

## **ACTION**

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Commissioner Gongora stated he would like the ordinance to say that if the City Manager finds establishments price gouging he can revoke their BTR.

Commissioner Rosen Gonzalez agreed.

Commissioner John Alemen suggested stabilizing the requirements before they are rolled out citywide.

Commissioner Rosen Gonzalez suggested having a contact number or email address printed on menus for customers to report complaints/problems.

Nick Kallergis stated a sponsor drafted a requested to require sidewalk cafe operators to post a card at every table with a number to code compliance but that was recommended to be removed.

Tessie Velazquez suggested reactivating a Tourist Hotline.

**DIRECTION:** Come back next month with more information.

30. **DISCUSSION REGARDING A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING, IN CONCEPT, THE RECOMMENDATION FROM THE EMPLOYEE SUGGESTION PROGRAM TO PLACE WAYFINDING SIGNAGE ON THE BEACH WALK BETWEEN 6<sup>TH</sup> AND 16<sup>TH</sup> STREET (SERPENTINE AREA) AND DIRECTING THE CITY MANAGER TO INVESTIGATE THE COST AND FEASIBILITY OF IMPLEMENTING SUCH SUGGESTIONS AND TO REPORT FINDINGS TO THE CITY COMMISSION**

February 14, 2018 - R9 H

Organizational Development/Public Works

**DIRECTION:** Deferred to the March 21, 2018 NCAC meeting per departments request.

31. **DISCUSSION DIRECTING THE CITY TO REVIEW ACCEPTABLE LIGHTING FOR SIDEWALK CAFES ON OCEAN DRIVE**

February 14, 2018 - R9 U

Sponsored by Commissioner Samuelian

Office of the City Manager

**DIRECTION:** Deferred to the March 21, 2018 NCAC meeting.

32. **DISCUSSION REGARDING THE INCREASE IN CRIME IN MIAMI BEACH AND HAVING MORE COMMUNITY POLICING CITYWIDE**

February 14, 2018 - R9 X

Sponsored by Commissioner Góngora

Police

**DIRECTION:** Deferred to the March 21, 2018 NCAC meeting.