




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

COMMISSION MEMORANDUM

TO: Mayor Dan Gelber
Members of the City Commission

CC: Rafael Paz, Acting City Attorney 
Rafael E. Granado, City Clerk

FROM: Raul J. Aguila, Interim City Manager

DATE: February 10, 2021

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE CITY MANAGER'S DETERMINATION THAT A "HIGH IMPACT PERIOD," AS DEFINED IN SECTION 82-443(1) OF THE CITY CODE, SHALL EXIST FOR THE PERIOD FROM FEBRUARY 22, 2021, THROUGH APRIL 12, 2021 ("SPRING BREAK 2021") AND, ACCORDINGLY, APPROVING THE CITY MANAGER'S SPRING BREAK 2021 PLAN (AS SET FORTH IN THIS MEMORANDUM); AUTHORIZING THE CITY MANAGER TO IMPOSE THOSE HIGH IMPACT MEASURES, AS SET FORTH IN THIS RESOLUTION, AND WHICH MEASURES ARE CONSISTENT WITH SECTION 82-443(C) OF THE CITY CODE; AND APPROVING AND AUTHORIZING THE CITY MANAGER TO IMPOSE SUCH HIGH IMPACT MEASURES BEYOND THE INITIAL 72-HOUR TIME PERIOD SET FORTH IN SECTION 82-443 OF THE CITY CODE, AND HEREBY APPROVING AN EXTENSION OF THE HIGH IMPACT PERIOD TO INCLUDE ANY OR ALL OF THAT PERIOD OF TIME FROM FEBRUARY 22, 2021, THROUGH APRIL 12, 2021; AND WHICH MEASURES THE CITY MANAGER DEEMS NECESSARY TO PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE, AND TO PROTECT PUBLIC AND PRIVATE PROPERTY FROM DAMAGE, DEGRADATION AND/OR UNAUTHORIZED USES.

RECOMMENDATION

The Administration recommends approval of the Resolution for the upcoming Spring Break 2021 High Impact Period, including the measures set forth in this Memorandum.

BACKGROUND

In recent years, the City of Miami Beach (the "City") has received an increasingly large number of visitors during the Spring Break period, which has posed significant challenges including, without limitation, increased traffic, and impacts to Police, Fire, Sanitation, and Code Compliance services.

In addition to impacting City services, Spring Break negatively affects our neighborhoods, businesses, and overall quality of life.

This year, threats to public health, safety, and welfare are compounded by the public health risks associated with the ongoing COVID-19 pandemic, which has placed heightened demands on the City's Police, Code Compliance, and Fire Departments. Significant resources have been dedicated to enforcing social distancing requirements in City, County, and State emergency orders, at a time when the City's General and Resort Tax revenues have declined.

Based on information obtained by the Police Department, this year's Spring Break period is expected to stretch even longer than usual (i.e. from February 22, 2021 through April 12, 2021). In order to protect the public health, safety, and welfare, and mitigate the public health risks associated with large gatherings of people (including at "superspreader" events), I intend (as has been done in previous years) to invoke the City's High Impact Ordinance (City Code Section 82-443) during Spring Break 2021. Additionally, as provided in Section 82-443(c) of the Code, I hereby request that the Mayor and City Commission approve an extension of the High Impact Period for Spring Break 2021, for the period commencing on February 22, 2021, and ending on April 12, 2021.

A. CITY'S HIGH IMPACT ORDINANCE

Upon a finding that a high impact period in a high impact zone will occur, or is in progress, City Code Section 82-443 permits the City Manager to impose a number of immediate measures "to protect the public health, safety and welfare including, without limitation, the protection of public and private property from damage, degradation, and/or unauthorized uses." The Code permits the City Manager to implement such measures to an initial period of 72 hours, which may be extended by the City Commission.

1. High Impact Period

Section 82-443 defines a "high impact period" as

- (1) An event, activity or period of time within a high impact zone for which no City-issued special event permit has been granted, and either (i) in the prior calendar year, generated attendance of more than 10,000 people; or (ii) if it is the first occurrence of an event, activity or period of time, it is expected to generate attendance of more than 10,000 people, as determined by the City Manager, in his reasonable discretion; or
- (2) An event that is held pursuant to a City-issued special event permit, which is expected to result in attendance by more than 25,000 people within a high impact zone, as determined by the City Manager, in his reasonable discretion.

For the past two years, Spring Break in the City of Miami Beach has met the definition of a "high impact period" pursuant to Section 82-443(1).

2. High Impact Zones

The High Impact measures that apply during the High Impact Period shall apply to the following areas of the City ("High Impact Zones"):

- The public beach;
- The MXE mixed use entertainment district (except for that portion of the MXE district between 73rd and 75th Streets) (hereinafter the "MXE District"); and
- That portion of the CD-2 commercial, medium intensity district between Pennsylvania Avenue and Collins Court, from 5th to 16th Street (hereinafter the "CD-2 District").

B. PROPOSED HIGH IMPACT MEASURES FOR SPRING BREAK 2021

The following measures will be implemented from February 22, 2021, through April 12, 2021, within the High Impact Zones identified in City Code Section 82-443(a)(1) and referenced above.

The attached Resolution requests Commission authorization for approval of an extended High Impact Period to implement measures beyond the 72-hour period set forth in City Code Section 82-443 for the full Spring Break 2021 period. Specifically, the Administration requests approval to implement any or all of the following measures:

- 1. The prohibition of any direct or indirect consumption of alcohol on public beach property.**
 - City Code Section 70-87, which prohibits consumption, service, sale, and possession of open containers of alcoholic beverages in public places, will also be strictly enforced.
- 2. The limitation of live or amplified music, including suspension of the noise exemption in City Code Section 46-157 for those properties located from 9th Street to 11th Street on the west side of Ocean Drive.**
 - The ambient noise and entertainment restrictions in the City's Emergency Order, at Section A.1.c, will be strictly enforced, with no verbal or written warnings issued ahead of time.
 - No special event permits will be approved within High Impact Zones for the duration of the High Impact Period. Special event permit requests for proposed events outside of the High Impact Zones will be considered on a case-by-case basis.
- 3. The limitation of traffic routes to prohibit vehicular access to non-residents, and permit access only for residents and those patrons and employees of businesses located in the specific area where traffic routes have been limited.**

- The proposed Spring Break 2021 Traffic Plan, attached hereto as Exhibit "A," is further described in Section H of this Memorandum.
4. **The establishment of occupancy limits for different segments of public beach property, and prohibiting access to those areas that have reached those occupancy limits.**
 - At this time, no occupancy limits have been established. But, should I decide to impose occupancy limits during the High Impact Period, I will advise the City Commission via Letter to Commission ("LTC").
 5. **The prohibition of coolers and inflatable devices on public beach property.**
 6. **The prohibition of tents, tables, and similar structures.**
 7. **The implementation of a License Plate Reader ("LPR") Police detail, which may be utilized on eastbound traffic lanes of the MacArthur Causeway, Julia Tuttle Causeway, and on any other access points into the City.**
 8. **The suspension, or the issuance, of a business tax receipt ("BTR") to promoters for any dance or entertainment events to be held at an alcoholic beverage establishment located in the MXE District and CD-2 District, pursuant to City Code Section 102-360.**
 9. **The suspension and closure of all or part of sidewalk café operations located in the MXE District and CD-2 District, at 12:00 a.m. each night (including, without limitation, the removal of all or any sidewalk café furniture), pursuant to City Code Section 82-381(e)(1).**

C. EMERGENCY MEASURES (CURFEW AND PACKAGE LIQUOR SALES)

Currently, the Countywide curfew imposed in response to the COVID-19 public health emergency remains in place. Pursuant to Miami-Dade County Emergency Order 27-20, the curfew takes effect each night between the hours of 12:00 a.m. and 6:00 a.m. The curfew has been one of the City's most important enforcement tools to control the public health risks associated with large crowds and gatherings. Based on the increased crowds anticipated during Spring Break 2021, and should the Countywide curfew be discontinued, I intend to seek City Commission approval to continue to impose a Citywide curfew beginning at 12:00 a.m. each night.

Additionally, I intend to prohibit liquor sales throughout the City after 10:00 p.m. each night. (Note: In the MXE District and CD-2 District, pursuant to City Code Section 6-3, package liquor sales are prohibited after 8:00 p.m. each night.)

D. POLICE

Staffing will be enhanced throughout the duration of the High Impact Period. The Police Department's deployment will consist of each officer working four days, for extended hours beyond the normal ten-hour shift.

Additional officers (both on-duty and overtime) will be assigned to the MXE District. More specifically, officers will be assigned to Beach Patrol (South Pointe to 15th Street); Ocean Drive, Lummus Park, and the 100 blocks of 5th through 15th Streets; and the entrances to the beach. Additional officers will also be assigned to conduct traffic enforcement along the Collins Avenue, Washington Avenue, and 5th Street corridors. MBPD's police staffing will be supplemented and supported by up to 30 officers from Miami-Dade Police Department each Friday and Saturday evening. These officers will be assigned to foot patrol in the MXE District.

Officers will also be assigned to serve as liaisons to Goodwill Ambassadors. The work coverage of officers assigned to the Marine Patrol Unit will expand to 13-hour shifts, beginning each day at 10:00 a.m. and ending at 11:00 p.m.

E. CODE COMPLIANCE

Staffing will be enhanced throughout the High Impact Period. Code Compliance will reschedule shifts through 3:00 a.m. Sunday through Thursday. In addition to regular staffing on Friday, Saturday, and Sunday of one (1) supervisor and five (5) Code Compliance Officers, the Department will augment staffing with six (6) dedicated Code Compliance Officers (overtime) assigned to the Art Deco Cultural District ("ADCD") area on Fridays, Saturdays, and Sundays, from 4:30 pm to 3:00 a.m. In addition, Code Compliance will assign ATV details to the beach.

The Code Compliance Department intends to assign one (1) Code Compliance Officer (overtime) to the Miami Beach Marina, 24 hours a day (in 3-8 hour shifts), 7 days a week.

F. ILLEGAL BOAT CHARTERS AND PARTY BOATS

In a continued collaborative effort with the U.S. Coast Guard ("USCG") due to a proliferation of illegal charters operating on Miami-Dade County waterways, the City's Police Marine Patrol has been enforcing State law and City Code violations when observed by Marine Patrol following a lawful boarding and safety inspection conducted by the USCG.

Although the City has the authority to conduct random safety inspections in our jurisdictional waterways, we find it advantageous to work alongside the USCG who can terminate unlawful charter voyages and levy significant monetary fines. Police Marine Patrol then engages Code Compliance to enforce the City Code and issue appropriate violations.

G. PARKING

1. A flat rate of \$20 per vehicle will be imposed at all parking garages in the ADCD area (except access card holders), including the garages at 7th Street & Collins Avenue, 12th Street and Washington Avenue, 13th Street and Collins Avenue, and the Anchor Garage on 16th Street).
2. These garages will operate at 50% capacity. No in/out is allowed; \$20 rate is for one entrance only.
3. Once each garage reaches 50% capacity, a security guard will screen customers at the entrance, allowing only access card holders, City residents, area hotel guests, and area employees to access the garage. ID will be required at entrance to prove eligibility.

4. Security guard presence will be enhanced to include one security guard assigned to each garage, except for the 7th Street Garage, at which a second guard will be assigned to direct traffic at the entrance.
5. Signage will be placed inside elevators and on A-frame signs advising the public of these emergency measures
6. On-street parking will be prohibited along Collins Avenue in the MXE District. On the 100 blocks between 5th and 15th Streets, on-street parking will be limited to Residential Zone 5 residents **only**.

H. TRAFFIC PLAN

The Spring Break 2021 Traffic Plan, attached hereto as Exhibit "A," includes the following measures:

1. A traffic plan (see attached) designed to mitigate cruise traffic traveling into the South of Fifth Street ("SOFI") Neighborhood has been designed and will be implemented each weekend during the High Impact Period.
2. Vehicles travelling to the SOFI area will be able to access the neighborhood via Alton Road and Washington Avenue only.
3. Police officers will be assigned to the two designated SOFI entrances, and private security will be assigned to all other traffic posts.
4. An LPR detail along the 5th Street corridor will be conducted each weekend.
5. If necessary, the MacArthur Causeway will be closed to incoming traffic.

I. BEACHES

Approach:

- **Zero Tolerance:** The following will be prohibited on the beaches: alcohol; coolers; inflatable devices; tents, tables, and similar structures (including any coverings or shelters which shelter any one or more of the vertical sides with material or fabric); backpacks; radios; speakers; boom-boxes; and music. Visitors must adhere to all applicable Miami-Dade County Emergency Orders regarding facial coverings and social distancing. A-frame signs will be placed throughout the beaches to communicate these requirements.
 - **Hot Spots:** The following areas have been identified as "hot spots," where large groups have been known to gather: South Pointe to 15th Street, as well as the beaches at 24th, 35th, 46th, and 53rd Streets.
1. **Hours:** 7:00 a.m. - 7:00 p.m.

2. Staffing:

- a. **Code Compliance:** Two officers on ATVs will be assigned to the beaches during the High Impact Period each day, seven (7) days a week.
 - b. **Ocean Rescue / Police / Park Rangers:** Ocean Rescue, Police, and the Park Rangers will coordinate their staffing plans to ensure unified enforcement.
 - c. **Property Management:** A Field Monitor and Beach Manager will be assigned to the beaches seven (7) days a week, in order to monitor/coordinate with ambassadors, concessionaires, and Miami-Dade County Parks, Recreation, and Open Space ("PROS") staff, and to provide logistical support for other departments.
3. **Beach entrances:** From South Pointe Park to 15th Street, goodwill ambassadors will be positioned to enforce prohibitions on alcohol; coolers; inflatable devices; tents, tables, and similar structures (including any coverings or shelters which shelter any one or more of the vertical sides with material or fabric); backpacks; radios; speakers; boom-boxes; and music.
 4. **Park Rangers** will be assigned to Lummus Park and along the beachwalk.
 5. **Concessionaires:** No cabanas will be permitted on public beaches. Furniture will be limited to chairs and umbrellas **only**, and chairs must be placed at least six (6) feet apart. Field monitors will be assigned daily to inspect and oversee concession operations.
 6. **Sanitation:** Miami-Dade County PROS staff, as well as City Parks, Sanitation, and Property Management staff will be scheduled for nightly cleaning and daily sifting.
 7. **Signage:** In advance of Spring Break, and to enhance public safety for beachwalk users, the City will be installing new regulatory signs along the beachwalk to assist Police with enforcing applicable provisions of the City Code, City and County Emergency Orders, and the measures imposed pursuant to the High Impact Ordinance. Signage will include Section 70-67 of the City Code, which prohibits the use of motorized mobility devices on the beachwalk.
 8. **Nikki Beach: daily enforcement by Field Monitor (multiple visits daily) along with Code Compliance and Police Departments.** Staff has scheduled additional meetings with Nikki Beach to discuss the City's zero-tolerance approach to Spring Break.
 9. **Outreach to Hotels:** Staff will meet with the Greater Miami and the Beaches Hotel Association to discuss communications with hotel operators and guests on the City's proposed Spring Break measures.

J. MARKETING AND COMMUNICATIONS

Upon approval of this Resolution, the City's Marketing and Communications Department will transmit the Resolution and Memorandum to hotels and businesses throughout the City and, in particular, in High Impact Zones.

Marketing and Communications is also prepared to communicate the City's Spring Break 2021 measures via the City's website and social media platforms, targeted digital advertising, and other media. Additionally, City Code Section 82-443 requires the City to notify the news media, including local radio and television stations, of the High Impact measures to be implemented

CONCLUSION

This Memorandum and attached Resolution shall serve to provide written notice to the Mayor and City Commission, pursuant to City Code Section 82-443, of the High Impact measures I intend to implement, included their intended duration. As to duration, and also pursuant to City Code Section 82-443, the Resolution requests permission to extend these measures for the period from February 22, 2021, through April 12, 2021.

Each year, Spring Break draws a large influx of visitors to the City, which places demands on City services, staffing, and other resources. These challenges are compounded by the public health threats associated with the COVID-19 pandemic, as well as the resources required to enforce social distancing and other COVID-19 guidelines. In light of the anticipated impacts of Spring Break 2021, the Administration has proposed the measures set forth in this Memorandum in order to protect the public health, safety, and welfare of our residents and visitors, and maintain the City's overall quality of life.