

MIAMI BEACH

Neighborhood/Community Affairs Committee Meeting

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

January 24, 2018 - 10:00 AM

Commissioner Kristen Rosen Gonzalez, Chair

Commissioner Michael Gongora, Vice-Chair

Commissioner Mark Samuelian, Member

Commissioner Micky Steinberg, Alternate

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OLD BUSINESS

1. **DISCUSSION REGARDING RESIDENTIAL PARKING RATES FOR RESIDENTS WITHOUT A MOBILE PHONE**

September 25, 2017 - R9 AF

Sponsored by Commissioner Steinberg

Parking

2. **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

3. **DISCUSSION OF THE CURRENT ROUTES AND CONDITIONS OF THE MIAMI BEACH TROLRIES, AS WELL AS ACCESSIBILITY FOR SENIORS AND HANDICAPPED PERSONS**

December 13, 2017 - C4 M

Sponsored by Commissioner Góngora

Transportation

4. **DISCUSSION REGARDING THE QUALITY OF FOOD BEING SERVED TO SENIOR RESIDENTS BY FOOD PROVIDERS PAID FOR BY MIAMI BEACH - CREATION OF AN ELDER MEALS PROGRAM**

December 13, 2017 - C4 L

Sponsored by Commissioner Góngora

Housing and Community Services

5. **DISCUSSION 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

6. **DISCUSSION REGARDING CONTRACTING EMERGENCY SERVICES TO SAVE MIAMI BEACH TREES AFTER A HURRICANE**

December 13, 2017 - C4 F

Sponsored by Commissioner Rosen Gonzalez

Environment & Sustainability

NEW BUSINESS

7. **DISCUSSION ON THE 23RD STREET AND 63RD STREET COMPLETE STREETS FEASIBILITY STUDIES**

December 13, 2017 - C4 A

Transportation

8. **DISCUSSION REGARDING THE INSTALLATION OF LANDSCAPING BY THE MURANO AT PORTOFINO CONDOMINIUM ALONG THE PUBLIC BAYWALK ADJACENT TO THE MIAMI BEACH MARINA**

April 26, 2017 - C4 S

Tourism, Culture and Economic Development

9. **DISCUSSION REGARDING THE DESIGN AND CONSTRUCTION OF TWO (2) NEIGHBORHOOD MONUMENT SIGNS REQUESTED BY THE SOUTH OF FIFTH NEIGHBORHOOD ASSOCIATION**

December 13, 2017 - C4 B

Office of Capital Improvement Projects

10. **DISCUSSION ON NON-TOXIC PRODUCTS IN MIAMI BEACH**

December 13, 2017 - C4K

Sponsored by Commissioner Góngora

Environment & Sustainability

11. **DISCUSSION REGARDING THE CITY'S SEXUAL HARASSMENT POLICIES, PROCEDURES, AND TRAINING**

December 13, 2017 - C4 I

Sponsored by Commissioner Rosen Gonzalez

Human Resources/Organizational Development Performance Initiatives

12. **DISCUSSION REGARDING ENHANCING NORTH BEACH THROUGH CREATIVE FINANCING**

December 13, 2017 - C4 V

Sponsored by Commissioner Samuelian

Tourism, Culture and Economic Development

13. **DISCUSSION REGARDING ECONOMIC INCENTIVES FOR SMALL AND LEGACY OWNED BUSINESSES IN THE CITY OF MIAMI BEACH**

January 17, 2018 - C4 N

Commissioner Michael Góngora

Tourism, Culture and Economic Development

14. **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

Police

15. **DISCUSSION REGARDING THE 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

January 17, 2018 - R5 V

Sponsored by Commissioner Góngora

Office of the City Attorney

16. **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

Parks & Recreation

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

January 17, 2018 - C4 L

Sponsored by Commissioner Samuelian

Property Management

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

January 17, 2018 - C4 K

Sponsored by Vice Mayor Alemán

Property Management

19. **DISCUSSION REGARDING THE MAINTENANCE AND UP KEEP OF THE PATIOS AND RESTROOMS AT UNIDAD**

January 17, 2018 - R9 S

Sponsored by Commissioner Rosen Gonzalez

Parks and Recreation/Property Management/TCED

20. **DISCUSSION REGARDING TWO ISSUES IN THE NEIGHBORHOOD OF 3155 PRAIRIE AVENUE: 1. THERE IS NO SIDEWALK ON THE ENTIRE EAST SIDE OF THE STREET; AND 2. THE RUNNING BLUE HOSES SET UP THROUGHOUT THE STREET ARE CONTINUOUSLY POURING WATER ON THE STREET, CAUSING PUDDLES**

January 17, 2018 - R9 W

Sponsored by Commissioner Rosen Gonzalez

Public Works

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

January 17, 2018 - R9 C

Parks & Recreation

MIAMI BEACH

COMMITTEE MEMORANDUM

TO: Neighborhood/Community Affairs Committee Members

FROM: Jimmy L. Morales, City Manager

DATE: January 24, 2018

SUBJECT: **DISCUSSION REGARDING RESIDENTIAL PARKING RATES FOR RESIDENTS
WITHOUT A MOBILE PHONE**

ANALYSIS:

Discussion at Committee.

MIAMI BEACH

COMMITTEE MEMORANDUM

TO: Neighborhood/Community Affairs Committee Members

FROM: Jimmy L. Morales, City Manager

DATE: January 24, 2018

SUBJECT: **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**

HISTORY:

On December 13, 2017, the Mayor and City Commission discussed item No. R7J, entitled, “Approve 6 month permit w/ Spin, Dockless Bicycle Pilot” and the Mayor and City Commission referred this item to the Neighborhoods and Community Affairs Committee (NCAC) for discussion.

On December 20, 2017, the Neighborhoods and Community Affairs Committee held a discussion regarding a dockless bike sharing pilot program and directed the Administration to:

- (1) Learn about Florida House Bill 1033 (HB 1033) and its potential implications related to dockless bike sharing and bike sharing companies; and
- (2) Develop a regulatory framework that would address the issue of bicycle placement on the right-of-way and how bicycles may have GPS technology to determine their exact placement and violations thereof.

On January 17, 2018, the Mayor and Commission briefly discussed the item and approved Resolution No. 2018- 30133 and referred the item to the NCAC for further discussion and to bring back the item to the City Commission on February 14, 2018.

Additionally, the Administration is seeking direction regarding Commissioner Aleman’s proposed six month pilot program for dockless bike sharing. Please refer to the attachment entitled, “Spin Pilot - Memo & Reso” containing the December 13th City Commission agenda item, including the related Resolution.

ANALYSIS:

Pursuant to the direction from the NCAC regarding this item, the Administration has been monitoring the progression of HB 1033 and drafted a regulatory framework for dockless bike sharing services that may be codified contingent upon the outcome of HB 1033.

House Bill 1033 (HB 1033) was introduced in the state legislature proposing a preemption of regulation by local governments. HB 1033 contains the following preemption language:

64 (6) PREEMPTION.—

65 (a) It is the intent of the Legislature to provide for
66 uniformity of laws governing dockless bicycles and bicycle
67 sharing companies throughout the state. Dockless bicycles and
68 bicycle sharing companies shall be governed exclusively by state
69 law. A local governmental entity may not:

70 1. Impose a tax on, or require a license for, a dockless
71 bicycle or a bicycle sharing company relating to reserving a
72 dockless bicycle;

73 2. Subject a dockless bicycle or a bicycle sharing company
74 to any rate, entry, operation, or other requirement of the local
75 governmental entity;

76 3. Require a bicycle sharing company to obtain a business
77 license or any other type of authorization to operate within the
78 jurisdiction of the local governmental entity; or

79 4. Enter into a private agreement containing a provision
80 that prohibits a bicycle sharing company from operating within
81 the jurisdiction of the local governmental entity or that limits
82 the operation of a bicycle sharing company within such
83 jurisdiction. To the extent that a local governmental entity
84 entered into an agreement containing such a provision before
85 [July 1, 2018](#), such provision is unenforceable.

86 (b) This subsection does not prohibit an airport or
87 seaport from designating locations for staging, pickup, and
88 other similar operations relating to dockless bicycles at the
89 airport or seaport.

The Administration continues to monitor the progression of HB 1033. Both the House and Senate versions of the bill are drafted to preempt municipalities from regulating dockless bicycle sharing services. The House version of the bill was referred to a committee and was heard at its first step.

The Senate version of the bill has been referred to two committees; however, it has not been heard yet.

REGULATIONS FOR DOCKLESS BICYCLE SHARING SERVICES

The Administration has conducted research of other jurisdictions' regulations of dockless bike sharing. Most jurisdictions are grappling with the issue of placement of bicycles on the right of way and enforcement.

Our research reveals the City of Seattle being furthest along with regulating dockless bike sharing.

The following is a draft of a regulatory framework and enforcement provisions for dockless bicycle sharing services. Please note these proposed regulations are pending legal review and may likely require further revision.

Subsequently, this or a revised version may be codified contingent upon any action, if any, taken by the state legislature.

DEFINITIONS:

1. Dockless bicycle sharing services are made available for shared use to individuals on a very short term basis for a price. Transactions are made through a smartphone/mobile application which allows users to borrow a bicycle from point A and return it at point B with neither of said points having a fixed location and/or docking

station.

2. Habitual Offender is a permitted operator who has received five (5) penalties within a 30 day period, as stated in the enforcement provisions below.

SAFETY REQUIREMENTS

1. All bicycles used in dockless bicycle sharing systems issued a permit shall meet the standards outlined in the Code of Federal Regulations (CFR) under Title 16, Chapter II,

2. Subchapter C, Part 1512 – Requirements for Bicycles. Additionally, permitted systems shall meet the safety standards outlined in ISO 43.150 – Cycles, subsection 4210.

3. Any electric bicycles used in systems issued a permit shall meet the National Highway Traffic Safety Administrations (NHTSA) definition of low-speed electric bicycles; and shall be subject to the same requirements as ordinary bicycles (described in Requirement S1). This means that electric bicycles shall have fully operable pedals, an electric motor of less than 750 watts, and a top motor-powered speed of less than 20 miles per hour when operated by a rider weighing 170 pounds. Additionally, the City reserves the right to terminate any permit issued if the battery or motor on an electric bicycle is determined by THE Florida Department of Transportation (FDOT) to be unsafe for public use.

4. All permitted operators shall notify its users and promote all bicycle regulations as set forth in Florida Statutes Chapter [316.2065](#), entitled, Bicycle Regulations.

5. All permitted operators shall provide a mechanism for customers to notify the operator of any safety or maintenance issue with the bicycle.

6. All permitted operators shall satisfy and maintain insurance, indemnity, and hold harmless requirements permit requirements.

7. All permitted systems shall have visible language that notifies the user that:

a. Helmets shall be worn while riding a bicycle in King County.

b. Bicyclists shall yield to pedestrians on sidewalks.

8. Permitted operators must acknowledge that the City is not responsible for educating users regarding helmet requirements and other laws. Neither is the City responsible for educating users on how to ride or operate a bicycle. Permitted operators agree to educate users regarding laws applicable to riding and operating a bicycle in the City and to instruct users to wear helmets and otherwise comply with applicable laws.

DOCKLESS BICYCLE SHARING – PARKING

1. Bicycle parking shall, at a minimum: (a) not adversely affect the City's rights of way; (b) not adversely affect the property of any third parties; (c) not inhibit pedestrian movement within the City's rights of way or along other property or rights of way owned or controlled by the City; and (d) not create conditions which are a threat to public health, safety and welfare;

2. Permitted operators and its customers shall not be permitted to attach bicycles to personal property, fixtures or structures on the City's rights of way.

3. On blocks without sidewalks, bicycles may be parked if the travel lane(s) and pedestrian access are not impeded.

4. The City reserves the right to determine certain block faces where free-floating bicycle share parking is prohibited.

5. Bicycles shall not be parked in the landscape/furniture zone adjacent to or within:

a. Parklets

b. Transit zones, including bus stops, shelters, passenger waiting areas and bus layover and staging zones, except at existing bicycle racks;

c. Passenger, commercial, or freight loading zones;

d. Disabled parking spaces or access aisles;

e. Street furniture that requires pedestrian access (for example - benches, parking pay stations, bus shelters, transit information signs, etc.);

f. Curb ramps;

g. Entryways; and

h. Driveways.

6. A permit issued by the City is only valid for operations within the Right-of-Way.

7. The City retains the right to create geo-fenced stations within certain areas where bicycles shall be parked.
8. Any dockless bicycle that is parked in one location for more than 24 hours without moving may be removed by the City and taken to a City facility for storage at the expense of the permitted operator. The City shall invoice the violating operator for any and all expenses incurred.
9. All permitted operators shall provide contact information for bicycle relocation requests on every bicycle.
10. Bicycles shall be upright when parked.
11. Any bicycle that is parked incorrectly shall be re-parked in a correct manner or shall be removed by the operator within two (2) hours of receiving notice.

OPERATIONS

1. Permitted operators shall be responsible for maintaining bicycles pursuant to industry maintenance standards and shall be solely responsible for repair, replacement and restoration of any real or personal property damaged as a result of the operation of the program.
2. Permitted operators shall monitor and reposition bikes in order to ensure bicycles do not obstruct the City's rights of way and maximizes efficiencies.
3. All permitted operators shall have a staffed operations center within the City.
4. All permitted operators shall have a 24-hour customer service phone number for customers to report safety concerns, complaints, or ask questions.
5. All permitted operators shall provide the City with a direct contact for dockless bicycle share company staff who are capable of rebalancing bicycles.
6. All permitted operators shall relocate or rebalance bicycles every 24 hours or within two hours of receiving notice.
7. Insurance/Indemnification: Spin shall be required to maintain the following insurance coverages: (1) Workers' Compensation, as required by Florida Law; (2) Commercial General Liability and Rights of Way Damage Insurance (One Million Dollars (\$1,000,000) combined single limit per occurrence, with Two Million Dollars (\$2,000,000) annual aggregate for bodily injury, property damage, products, completed operations, and contractual liability coverage; and (3) Comprehensive automobile insurance in an amount not less than one million dollars (\$1,000,000) per occurrence for bodily injury and property damage, including coverage for owned and non-owned vehicles. All insurance coverages shall be subject to review and approval by the City's Risk Manager. Spin shall indemnify the City from all claims, including, without limitation court costs and reasonable attorneys' fees, resulting in loss of life, bodily injury or property damage arising directly or indirectly out of or from or account of Spin's use of the City's rights of way, use of the Spin bikes by anyone, or Spin's failure to comply with the terms of the permit.
8. All permitted operators shall have a performance bond of \$100 per bicycle with a cap of \$100,000. The form of the bond shall be approved by the City. These funds shall be accessible to the City future public property repair and maintenance costs that may be incurred, removing, and storing bicycles improperly parked, or if a company is not present to remove bicycles if its permit is terminated. If a permitted operator increases the size of their fleet, the performance bond shall be adjusted appropriately before deploying additional bicycles.

ENFORCEMENT:

The following are the proposed enforcement provisions for permitted dockless bicycle sharing services:

1. Any bicycle improperly parked or blocking the City's rights of way which is not removed or relocated by the permitted operator within two (2) hours shall be subject to a \$25.00 penalty;
2. Any bicycle improperly parked or blocking the City's rights of way which is not removed or relocated by the permitted operator within four (4) hours shall be removed by the City and shall be subject to a \$100.00 penalty;
3. Permitted operators deemed as a habitual offenders is subject to right-of way violations with fines starting at \$1,000, pursuant to the City Code.
4. The City Manager or designee is authorized to suspend an operator's permit upon the issuance of a right-of way violation.
5. The City Manager or designee is authorized to revoke an operator's permit upon an adjudication of "guilty" for a second right-of-way violation.

CONCLUSION:

The Administration is seeking direction with regard to this item.

ATTACHMENTS:

Description	Type
 Spin Pilot Memo & Reso	Other

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Raul Aguila, City Attorney
DATE: December 13, 2017

SUBJECT: A 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.

RECOMMENDATION

Pursuant to the request of Vice-Mayor Aleman, the above referenced Resolution is submitted for consideration by the Mayor and City Commission at the December 13, 2017 City Commission meeting.

ANALYSIS

Skinny Labs Inc. d/b/a Spin (Spin) has approached the City with a proposal to provide stationless bike sharing services to the general public throughout the City of Miami Beach as a pilot program (the Program). The Program would operate with an initial fleet of 100 bikes at a time, subject to modification by the City Manager or his designee. Stationless bike-sharing services provide lower prices and the convenience of locating the bikes and returning them to any location which is not prohibited, instead of a fixed location. Spin would be responsible for ensuring that the bikes are not placed in any of the prohibited areas. Spin possesses GPS, 3G and self-locking technology in its bike fleets (Spin bikes), such that the Spin bikes may be locked and opened by users with an app and tracked to provide for operation and maintenance. The initial discussions have been held regarding the operation of the Program, so as to balance the public's right to use the public right of way without any obstruction, with the desired outcome of providing the public with easily accessible bicycles for a reasonable fee. The operation of the Program for six (6) months would serve as a tool to evaluate this service as a possible transit service for residents and tourists of Miami Beach. The Administration would target a launch date of February 1, 2017 in order to commence operations prior to the Spring Break season.

Should the City Commission wish to proceed with this Program, the Administration will negotiate a permit for a six (6) month pilot program, based upon the following business terms:

- A. Term: Six (6) months, unless terminated by the City Manager, with or without cause (upon fifteen (15) days prior written notice). Upon termination, Spin shall be responsible for removing all Spin bikes from the City's rights of way or be subject to \$1,000 per day

penalty;

B . License to use City Rights of Way: Spin will have a non-exclusive license to use certain City sidewalks, roads and other City rights of way, as shall be identified and approved by the City Manager to maintain and offer the pilot Program with Spin bikes;

C . Non-Permitted Uses: (1) Spin and its customers shall not be permitted to attach to personal property, fixtures or structures on the City's rights of way; and (2) operation of the pilot Program shall, at a minimum: (a) not adversely affect the City's rights of way; (b) not adversely affect the property of any third parties; (c) not inhibit pedestrian movement within the City's rights of way or along other property or rights of way owned or controlled by the City; and (d) not create conditions which are a threat to public health, safety and welfare;

D . Maintenance and Operation: (1) Spin shall be responsible for maintaining the Spin bikes pursuant to industry maintenance standards; (2) Spin shall be solely responsible for repair, replacement and restoration of any real or personal property damaged as a result of the operation of the Program; (3) Spin shall monitor and reposition bikes in order to ensure that the bikes do not obstruct the City's rights of way and to maximize the efficiency of the Program; (4) Any bikes improperly parked or blocking the City's rights of way which are not removed by Spin within two (2) hours shall be subject to a \$20.00 penalty;

E . Fares: Unless otherwise approved by the City Manager, the rental charges for the use of the Spin bikes shall not exceed the following approved rates: (1) \$1.00 per hour; (2) \$.50 per hour for anyone qualifying for low-income subsidies; (3) \$29.00 per month for unlimited half hour rides; and (4) \$99.00 per year for unlimited half hour rides;

F . Reports: The City shall have the right to access revenue and usage information in connection with its evaluation of the Program;

G . Insurance/Indemnification: Spin shall be required to maintain the following insurance coverages: (1) Workers' Compensation, as required by Florida Law; (2) Commercial General Liability and Rights of Way Damage Insurance (One Million Dollars (\$1,000,000) combined single limit per occurrence, with Two Million Dollars (\$2,000,000) annual aggregate for bodily injury, property damage, products, completed operations, and contractual liability coverage; and (3) Comprehensive automobile insurance in an amount not less than one million dollars (\$1,000,000) per occurrence for bodily injury and property damage, including coverage for owned and non-owned vehicles. All insurance coverages shall be subject to review and approval by the City's Risk Manager. Spin shall indemnify the City from all claims, including, without limitation court costs and reasonable attorneys' fees, resulting in loss of life, bodily injury or property damage arising directly or indirectly out of or from or account of Spin's use of the City's rights of way, use of the Spin bikes by anyone, or Spin's failure to comply with the terms of the permit; and

H . Performance Bond: Spin shall be required to secure and maintain a \$100,000 performance bond securing its performance under the permit.

CONCLUSION

Should the City Commission wish to proceed with this Program, the Administration recommends that the Mayor and City Commission approve this Resolution.

KEY INTENDED OUTCOMES SUPPORTED

Ensure Comprehensive Mobility Addressing All Modes Throughout The City

Legislative Tracking

Office of the City Attorney

Sponsor

Vice-Mayor John Elizabeth Aleman

ATTACHMENTS:

Description

▯ Resolution

RESOLUTION NO. _____

A 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.

WHEREAS, Skinny Labs Inc. d/b/a Spin (Spin) has approached the City with a proposal to provide stationless bike sharing services to the general public throughout the City of Miami Beach as a pilot program (the Program); and

WHEREAS, Spin possesses GPS, 3G and self-locking technology in its bike fleets (Spin bikes), such that the Spin bikes may be locked and opened by users with an app and tracked to provide for operation and maintenance; and

WHEREAS, initial discussions have been held regarding the operation of the Program, so as to balance the public's right to use the public right of way without any obstruction, with the desired outcome of providing the public with easily accessible bicycles for a reasonable fee; and

WHEREAS, the operation of a Program for six (6) months would serve as a tool to evaluate the Program as a possible alternate transit service for residents and tourists of Miami Beach; and

WHEREAS, should the City Commission wish to proceed with this Program, the Administration will negotiate a permit for a six (6) month pilot program, based upon the following business terms:

- A. Term: Six (6) months, unless terminated by the City Manager, with or without cause (upon fifteen (15) days prior written notice). Upon termination, Spin shall be responsible for removing all Spin bikes from the City's rights of way or be subject to \$1,000 per day penalty;
- B. License to use City Rights of Way: Spin will have a non-exclusive license to use certain City sidewalks, roads and other City rights of way, as shall be identified and approved by the City Manager to maintain and offer the pilot Program with Spin bikes;
- C. Non-Permitted Uses: (1) Spin and its customers shall not be permitted to attach to personal property, fixtures or structures on the City's rights of way; and (2) operation of the pilot Program shall, at a minimum: (a) not adversely affect the City's rights of way; (b) not adversely affect the property of any third parties; (c) not inhibit pedestrian movement within the City's rights of way or along other property or rights of way owned or controlled by the City; and (d) not create conditions which are a threat to public health, safety and welfare;
- D. Maintenance and Operation: (1) Spin shall be responsible for maintaining the Spin bikes pursuant to industry maintenance standards; (2) Spin shall be solely responsible for repair, replacement and restoration of any real or personal property

damaged as a result of the operation of the Program; (3) Spin shall monitor and reposition bikes in order to ensure that the bikes do not obstruct the City's rights of way and to maximize the efficiency of the Program; (4) Any bikes improperly parked or blocking the City's rights of way which are not removed by Spin within two (2) hours shall be subject to a \$20.00 penalty;

- E. Fares: Unless otherwise approved by the City Manager, the rental charges for the use of the Spin bikes shall not exceed the following approved rates: (1) \$1.00 per hour; (2) \$.50 per hour for anyone qualifying for low-income subsidies; (3) \$29.00 per month for unlimited half hour rides; and (4) \$99.00 per year for unlimited half hour rides;
- F. Reports: The City shall have the right to access revenue and usage information in connection with its evaluation of the Program;
- G. Insurance/Indemnification: Spin shall be required to maintain the following insurance coverages: (1) Workers' Compensation, as required by Florida Law; (2) Commercial General Liability and Rights of Way Damage Insurance (One Million Dollars (\$1,000,000) combined single limit per occurrence, with Two Million Dollars (\$2,000,000) annual aggregate for bodily injury, property damage, products, completed operations, and contractual liability coverage; and (3) Comprehensive automobile insurance in an amount not less than one million dollars (\$1,000,000) per occurrence for bodily injury and property damage, including coverage for owned and non-owned vehicles. All insurance coverages shall be subject to review and approval by the City's Risk Manager. Spin shall indemnify the City from all claims, including, without limitation court costs and reasonable attorneys' fees, resulting in loss of life, bodily injury or property damage arising directly or indirectly out of or from or account of Spin's use of the City's rights of way, use of the Spin bikes by anyone, or Spin's failure to comply with the terms of the permit; and
- H. Performance Bond: Spin shall be required to secure and maintain a \$100,000 performance bond securing its performance under the permit.

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 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; authorize the Administration to negotiate a final permit agreement based upon the terms set forth herein; and further authorize the City Manager to execute the final permit agreement.

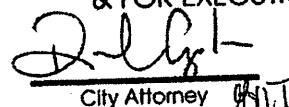
PASSED AND ADOPTED THIS _____ DAY OF _____ 2017.

ATTEST:

RAFAEL E. GRANADO, CITY CLERK

DAN GELBER, MAYOR

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION


City Attorney

12-4-17
Date

MIAMI BEACH

COMMITTEE MEMORANDUM

TO: Neighborhood/Community Affairs Committee Members

FROM: Jimmy L. Morales, City Manager

DATE: January 24, 2018

SUBJECT: **DISCUSSION OF THE CURRENT ROUTES AND CONDITIONS OF THE MIAMI BEACH TROLLIES, AS WELL AS ACCESSIBILITY FOR SENIORS AND HANDICAPPED PERSONS**

KEY INTENDED OUTCOME:

Ensure Comprehensive Mobility Addressing All Modes Throughout The City

HISTORY:

In 2014, the City Commission directed the Administration to implement a citywide interconnected and free public transit service operating along fixed routes and on a fixed schedule, specifically utilizing classic American trolley vehicles. Pursuant to the City Commission directive, the Administration issued Invitation To Bid (ITB) No. 2014-154-SR for Turnkey Trolley Operations and Maintenance Services. On April 30, 2014, the City Commission approved the award of a competitively procured contract for Citywide Turnkey Trolley Operations and Maintenance Services to Limousines of South Florida, Inc. (LSF). On May 8, 2014, the City and LSF executed an Agreement for the trolley services. Since that time, the City has been gradually expanding the trolley service and LSF has been providing the service through amendments to the contract each time a new trolley loop is placed into service.

It is important to note that the City's trolley vehicles, whether low-floor or high-floor, are fully ADA compliant and meet all ADA requirements as well as federal and state requirements for transit vehicles. Accessibility of the trolleys has been discussed at numerous City Commission and Committee meetings. Below is a chronology of meetings which have included discussions and direction on accessibility of trolley vehicles:

Meeting	Date	Direction
City Commission	April 15, 2015	The City Commission passed a motion directing the Administration to use low-floor trolley vehicles for the provision of present and future trolley service.
City Commission	October 21, 2015	The City Commission adopted Resolution No. 2015-29194, modifying its April 15, 2015 motion and authorizing the Administration to purchase 14 modified/kneeling high-floor/rear wheelchair lift trolley vehicles for the operating (North Beach Loop) and approved trolley loops at that time (Middle Beach Loop, and Collins Link) in lieu of low-floor trolley vehicles due to higher capital and operating costs of low-floor trolleys.
Neighborhood/Community Affairs Committee (NCAC)	May 13, 2016	The NCAC discussed interspersing future low-floor trolleys throughout the City's trolley routes to specifically improve accessibility for disabled passengers.
City Commission	June 8, 2016	The City Commission directed the Administration to proceed with interspersing low floor trolley vehicles on the trolley routes.
City Commission	July 20, 2016	The City Commission approved the Administration's recommendation to purchase 12 new low-floor trolleys as part of the contract for the South Beach Trolley route and to intersperse the low-floor trolleys throughout the City's trolley routes.
NCAC	September 16, 2016	The NCAC discussed several referrals, including the South Beach Local and the potential assignment of all low-floor trolley vehicles to the future South Beach Trolley route.
City Commission	October 19, 2016	During a discussion on the South Beach Local, the City Commission recommended that the Administration deploy low-floor trolleys on the South Beach Trolley route. Given that the trolley service would replace the County-operated South Beach Local service which utilized low-floor buses, the low-floor trolleys on this route would provide a comparable level of accessibility.

Pursuant to City Commission direction from the April 15, 2015 Commission meeting, going forward, only low-floor trolley vehicles are to be acquired for the existing or any new trolley routes in the City.

The City's current interconnected trolley system consists of the following four (4) routes:

- North Beach Loop
 - Commenced on October 29, 2014
 - Average daily ridership 2,250 per day (December 2017)
 - 4 trolley vehicles (3 modified high-floor/kneeling and 1 high-floor in operation)
- Middle Beach Loop
 - Commenced on November 22, 2016
 - Average daily ridership 2,700 per day (December 2017)
 - 6 modified high-floor/kneeling vehicles in operation
- Collins Express
 - Commenced as Collins Link on December 22, 2016. Collins Express replaced Collins Link on

November 1, 2017

- Average daily ridership 3,800 per day (December 2017)
- 5 modified high-floor/kneeling vehicles in operation
- South Beach Trolley
 - Soft launched on November 1, 2017. Full implementation on November 20, 2017
 - Average daily ridership 4,000 per day (December 2017). The South Beach Local carried less than 2,000 passengers per day in the last 10 months of service.
 - 10 low-floor trolley vehicles in operation

Based on data for the month of December 2017, the average daily ridership of the citywide trolley system is approximately 13,000 passengers per day. It is important to highlight that this is approximately the same number of passengers that the City of Miami Trolley service carried in December on a daily basis using 38 vehicles in operation along 10 routes (as compared to 25 vehicles in operation along our 4 routes).

At its December 20, 2017 meeting, the NCAC discussed the current routes and conditions of the Miami Beach trolleys, as well as accessibility for seniors and handicapped persons. The NCAC requested that the Administration return in January and present costs associated with replacing all modified high-floor/kneeling trolley vehicles in the City's fleet with low-floor trolley vehicles, as well as the costs the City would incur should the City choose to terminate the current contract with its trolley operator. Additionally, at the meeting, the NCAC recommended extending the South Beach Trolley route to the Collins Park neighborhood.

On January 17, 2018, the City Commission discussed the South Beach Trolley route and an extension to Collins Park neighborhood. The City Commission directed the Administration to extend the South Beach Loops A and B to Collins Park neighborhood, while keeping "Via 10 Street Loop" as-is. Additionally, the City Commission requested that the item be referred to NCAC for further discussion regarding operating scenarios of the South Beach Trolley, including options that do not eliminate the "Via 10 Street Loop" and financial impacts associated with the scenarios.

ANALYSIS:

Pursuant to NCAC's direction on December 20, 2017, the City's Transportation Department staff has reviewed the current Turnkey Trolley Operations and Maintenance Services contract ("Agreement") with LSF, specifically the provisions for termination and liquidated damages due to LSF should the City wish to exercise its termination provision. Based on the current terms, an early termination of the Agreement for convenience may include a partial termination of the Agreement with respect to trolley services for one or more of the trolley routes, or a complete termination of the Agreement. Pursuant to the Agreement, should the City wish to exercise its right to termination for convenience, the City is required to reimburse the Contractor, as liquidated damages, an amount equal to the unamortized balance of the purchase price, with respect to the trolley vehicles which are the subject of the termination, as per the 5-year amortization schedule. In such case, the Contractor would be required to transfer to the City all titles and interest in said trolley vehicles.

Transportation Department staff has worked with LSF to determine the financial impacts of both termination options requested by the NCAC. It is worth noting that while LSF has stated that it has incurred start-up costs associated with the implementation of the current trolley routes (in addition to unamortized balance of purchase price of trolley vehicles), the current Agreement does not hold the City responsible for any cost other than the unamortized balance of the purchase price of the trolley vehicles. The financial impacts of both options requested by the NCAC are presented below (Options 1 and 2). Options 3 and 4 were also developed by the Administration for further consideration.

Option 1. Partial Termination of Agreement to Enable for Use of Low-Floor Trolleys Citywide

Should the City Commission believe that low-floor trolley vehicles are critical for the service, the Commission may elect to consider terminating the use of the 19 high-floor and modified high-floor/kneeling trolley vehicles currently operating along the Middle Beach Loop, Collins Express, and North Beach Loop, and purchasing 19

new low-floor trolley vehicles as replacements, resulting in the use of low-floor trolley vehicles along all trolley routes operating in the City. Based on the current 5-year amortization schedule and the unamortized balance of the purchase price of the 19 high-floor trolley vehicles impacted by this option, LSF has reported that the cost to the City of exercising this option is estimated to be approximately \$2,586,677.44 (as of January 2018). The current annual operating cost of the Middle Beach Loop, Collins Express, and North Beach Loop combined is \$6,380,937.60. If the high-floor and modified high-floor/kneeling trolley vehicles operating along these routes are replaced by low-floor trolley vehicles providing the same level of service, the total annual operating cost for these three (3) routes would be \$7,499,856.00 (\$1,118,918.40 more based on the current hourly operating cost of low-floor trolley vehicles). The City would retain ownership of the 19 high-floor trolley vehicles being replaced and could dispense the vehicles as it deems appropriate.

Option 2. Full Termination of Agreement and Pursue New Solicitation for Citywide Circulator Service

The City Commission may elect to consider terminating the current Agreement for convenience and re-issuing a bid to competitively procure Turnkey Transit Operations and Maintenance Services. Early termination of the Agreement for convenience would result in the City paying LSF for the un-amortized cost of all 31 trolley vehicles in the City's fleet (19 high-floor and modified high-floor/kneeling vehicles and 12 low-floor trolley vehicles acquired recently for the South Beach Trolley service). Based on the current 5-year amortization schedule and unamortized balance of the purchase price of 12 low-floor trolley vehicles (approximately \$3.9 million as of January 2018) and the unamortized balance of the purchase price of the 19 high-floor and modified high-floor/kneeling vehicles (\$2,586,677.44 as presented in Option 1 above), LSF has reported that the cost to the City of exercising this option is estimated to be approximately \$6.5 million (as of January 2018). The City would retain ownership of the 31 trolley vehicles being replaced and could dispense the vehicles as it deems appropriate.

Under this option, the following two (2) operating equipment scenarios could be considered:

a) Providing service using low-floor buses similar to the County buses used for the South Beach Local

The current annual operating cost of the citywide trolley service (South Beach Trolley, Middle Beach Loop, Collins Express, and North Beach Loop) is approximately \$11.4 Million. Based on capital cost of low-floor bus acquisition and annual operation/maintenance cost provided by the County for operation of low-floor buses similar to the South Beach Local buses, the total annual operating cost for the City's four (4) existing routes under a turnkey contract is estimated to be \$16.3 Million (approximately \$4.9 Million more annually than our current annual operating cost for trolley service. However, based on our previous experience in procuring Turnkey Transit Operations and Maintenance Services, it is anticipated that the annual cost of service would be lower than estimated but higher than the current annual operating cost of the City's trolley service under a turnkey contract.

b) Providing service using cutaway vehicles

An alternative option to operating trolley vehicles or buses would be utilizing cutaway vehicles (see Attachment for sample photo). These vehicles are high-floor vehicles and can accommodate approximately 20 seating passengers or 16 seating plus 2 passengers in wheelchairs. Cutaways could accommodate 4-5 standing passengers if needed. Miami-Dade County is currently utilizing used cutaway vehicles on approximately a dozen routes at a cost of \$45.09/hour/vehicle not including cost of fuel. Based on a conversation with our trolley operator who provides this service to the County, the cost of operating new vehicles of this type including fuel (i.e., full turnkey operation) would be approximately \$58/hour/vehicle as compared to the current hourly cost of \$65.81/hour/vehicle for high-floor trolleys and modified high-floor/kneeling trolley vehicles and \$77.35/hour/vehicle for operation of low-floor trolley vehicles. Under this scenario, the annual operating cost of citywide transit service along the four (4) routes would be \$9.4 Million (approximately \$2 Million annually less than our current annual operating cost of trolley service). However, it is important to note that cutaway vehicles are not comparable type of vehicles to low-floor buses, low-floor trolleys, or high-floor trolleys as they offer less seating and standing capacity. While it may appear that there would be annual savings in operating cost, given the high ridership along the City's existing routes, more cutaway vehicles will likely be needed to meet

existing passenger demand, which would increase the estimated annual operating cost. More importantly, cutaway vehicles would not address current accessibility concerns of the public as boarding this type of vehicle requires negotiating a few steps, and accommodating passengers in wheelchairs requires deployment of wheelchair lift in the rear of the vehicle. Alternatively, new cutaway vehicles with higher passenger capacity could be utilized; however, these cutaways would still be high-floor vehicles and their capital and operating costs would be higher than the \$58/hour/vehicle for the smaller capacity cutaway vehicles.

Via 10 Street Loop

Pursuant to City Commission request at the January 17, 2018 Commission meeting, the table below depicts various operating scenarios of the South Beach Trolley, including options that do not eliminate the “Via 10 Street Loop”. However, it is worth noting that the average daily ridership at the three (3) stops along 10 Street is as follows:

- Pennsylvania Avenue: 10 boardings and 50 alightings. Closest alternative stop is approximately 750 feet away (Washington Avenue)
- Meridian Avenue: 14 boardings and 25 alightings. Closest alternative stop is approximately 1500 feet away (Alton Road or Washington Avenue)
- Michigan Avenue: 34 boardings and 37 alightings. Closest alternative stop is approximately 900 feet away (Alton Road)

The average headways and potential financial impact associated with each of the scenarios is presented below.

South Beach Trolley Loops	Average Headways (minutes)			
	Existing as of January 22, 2018 (per City Commission direction – extending Loops A and B to Collins Park and keeping Via 10 Street Loop as-is)	Option 1	Option 2	Option 3
		Serve Collins Park and eliminate Via 10 Street Loop	Serve Collins Park and modify Via 10 Street Loop to exclude service to Belle Isle	Maintain approximately 15 minutes average headways along loops A and B and keeping Via 10 Street Loop as-is
Loop A	19	15	19	15
Loop B	20	16	20	16
Via 10 Street Loop	38	N/A	33	38
Financial Impact	\$0	\$0	\$0	Approximately \$1 million

Should the City Commission choose Option 3, the Administration would pursue funding through the Fiscal Year 2018/19 budget process.

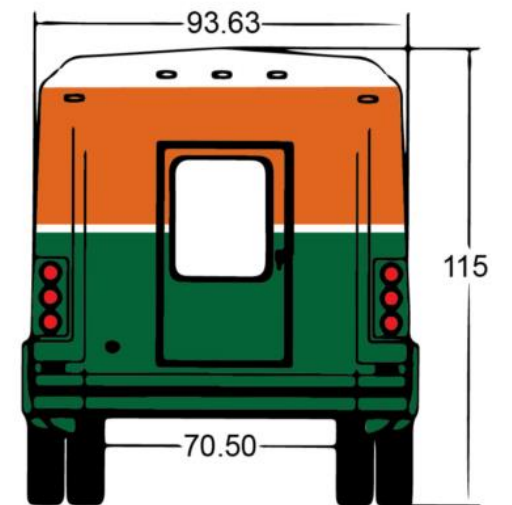
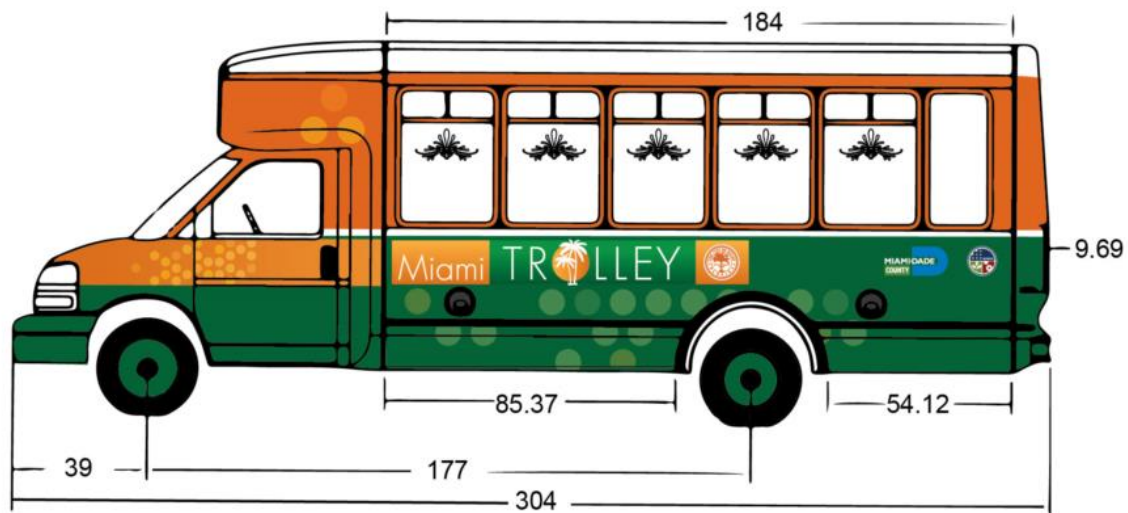
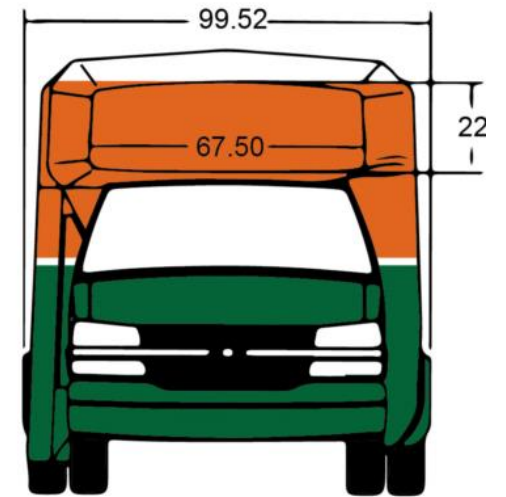
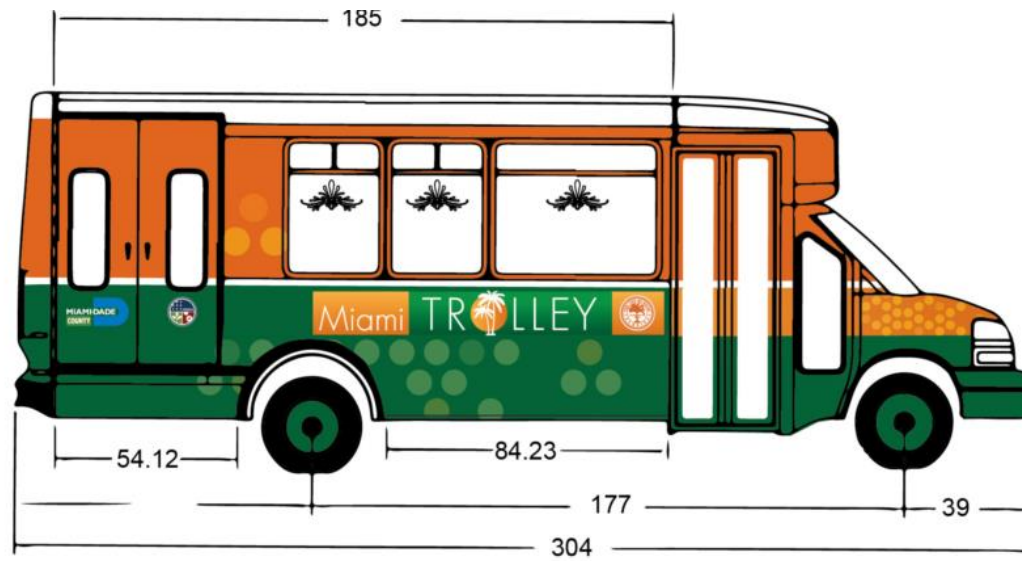
CONCLUSION:

This item is presented to the Neighborhood/Community Affairs Committee for discussion and further direction.

ATTACHMENTS:

Description	Type
 Attachment	Memo

Attachment: Cutaway Vehicle Sample





MIAMI BEACH

COMMITTEE MEMORANDUM

TO: Neighborhood/Community Affairs Committee Members

FROM: Jimmy L. Morales, City Manager

DATE: January 24, 2018

SUBJECT: **DISCUSSION REGARDING THE QUALITY OF FOOD BEING SERVED TO SENIOR RESIDENTS BY FOOD PROVIDERS PAID FOR BY MIAMI BEACH - CREATION OF AN ELDER MEALS PROGRAM**

HISTORY:

The City currently has five congregate meal sites:

- * 6th Street Community Center
- * Rebecca Towers
- * Council Towers
- * Federation Towers
- * Stella Maris

These meal sites are served by two providers: Jewish Community Services of South Florida (JCS) and Little Havana Activities and Nutrition Centers (LHANC). The bulk of the funding for these sites is provided by the Alliance for Aging from the Older Americans Act (OAA), Title III program. This program is awarded through competitive process. The next Request For Proposals(RFP) for this funding is expected to be released in April 2018.

Unidad had previously received funding from the OAA but had lost the grant when the timeline for completion of the Unidad Senior Center did not meet the timelines for the grant. UNIDAD has told the City that they were the highest ranked RFP when they won the grant for the OAA and has informed the City that they intend to apply for funding in the next OAA cycle.

In terms of structure, congregate meal sites are expected to address four specific issues affecting elders:

- * Reduce hunger and food insecurity;
- * Promote socialization;
- * Promote health and wellbeing; and
- * Delay adverse health conditions.

JCS and LHANC address these issues by providing access to healthy meals, nutrition education and nutrition counseling in addition to socialization opportunities. The OAA requires that nutrition service providers ensure that meals meet food and nutrient requirements, are safe to serve and are appealing to adults. Meals offered must meet the most recent Dietary Guidelines for Americans (DGAs) which are issued every five years by the Secretaries of Health and Human Services and Agriculture. Based on the most current science, the DGAs are designed to promote health and reduce the risk of chronic disease through healthy eating and physical activity. Meals must provide at least one-third of the Dietary Reference Intakes. The Dietary Reference Intakes (DRIs) are nutrient reference values developed by the Institute of Medicine of The National Academies. They are

intended to serve as a guide for good nutrition and provide the scientific basis for the development of food guidelines in both the United States and Canada.

Meals offered are to meet state and local food service laws, rules and regulations to ensure that the meals served are safe and sanitary. Most states base their state and local food service codes on the most recent edition of the Food Code published by the U.S. Public Health Service and the Food and Drug Administration. Elder meal site providers utilize registered dietitians to design the meal menus for nutrition and appeal to those they serve.

At its December 20, 2017 meeting, the Neighborhood/Community Affairs Committee (NCAC) discussed the quality of food served by providers in Miami Beach that is funded by the City. JCS is the only provider funded by the City, presented on their standards for food quality. During the discussion, the Committee discussed concerns regarding a decline in senior meals service in the City over time. As a result the Committee requested that the City provide a cost estimate for the creation of a congregate meal site in North Beach to serve up to 100 elder residents, with a focus on the Unidad Senior Facility. NCAC directed staff to return to its January meeting with a framework and budget estimate for the creation of such a site.

ANALYSIS:

In terms of cost, an elder meal program to serve 100 people is estimated to cost about \$190,000 exclusive of space and programming costs. Estimates (based on existing provider site costs) would include:

1. Catered Meals - \$136,500 (100 meals x 260 days x \$5.25 per meal)
2. Food service equipment (including disposable supplies) - \$ 9,105
3. Food service (on-site manager, 2 servers and janitorial services) - \$42,432

In order to comply with OAA standards, educational and recreational programming that support socialization activities would also need to be provided. These costs would vary by scope and provider but can cost from \$40,000 or more per year.

In the event that the Committee recommends funding of senior meals at the Unidad Senior Center, the Administration recommends that this funding would expire if, and when Unidad receives funding from the OAA.

CONCLUSION:

The Administration is seeking direction from the Committee.

MIAMI BEACH

COMMITTEE MEMORANDUM

TO: Neighborhood/Community Affairs Committee Members

FROM: Jimmy L. Morales, City Manager

DATE: January 24, 2018

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

ANALYSIS:

Discussion at Committee.

ATTACHMENTS:

Description	Type
□ City of Chicago Anti-Sexual Harassment Ordinance	Memo



City of Chicago



SO2017-3260

Office of the City Clerk

Document Tracking Sheet

Meeting Date:

4/19/2017

Sponsor(s):

Harris (8)
Mitts (37)
Foulkes (16)
Pawar (47)
Laurino (39)
Sadlowski Garza (10)
Austin (34)
Burnett (27)
Dowell (3)
King (4)
Hairston (5)
Quinn (13)
O'Connor (40)
Burke (14)
Silverstein (50)
Beale (9)
Smith (43)
Valencia (Clerk)

Type:

Ordinance

Title:

Amendment of Municipal Code Section 4-6-180 by requiring hotel employees assigned to work in guest rooms or restrooms to be equipped with portable emergency contact devices

Committee(s) Assignment:

Committee on Workforce Development and Audit

SUBSTITUTE
ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. Section 4-6-180 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

4-6-180 Hotel.

(a) *Definitions.* As used in this section:

“Anti-sexual harassment policy” means the written policy required under subsection (e)(2) of this section.

“Employee(s)” means any natural person who works full time or part time at a hotel for or under the direction of the licensee or any subcontractor of the licensee for wages or salary or remuneration of any type under a contract or subcontract of employment, whether express or implied.

“Guest” means any invitee to a hotel, 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 any other person whose presence at the hotel is permitted by the licensee. The term “guest” does not include employees.

“Guest room” means any room made available by a hotel for overnight occupancy by guests.

(Omitted text is unaffected by this ordinance)

“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 to the employee’s location prompt assistance by a hotel security officer, manager or other appropriate hotel staff member designated by the licensee.

“Restroom” means any room equipped with toilets.

“Sexual harassment” means any unwelcome sexual advance, request for sexual favors, or other verbal or physical conduct of a sexual nature.

(Omitted text is unaffected by this ordinance)

(d) *Departmental duties.*

(Omitted text is unaffected by this ordinance)

(3) Investigations to enforce the provisions of subsection (e) of this section may be conducted, as appropriate, by the Department of Business Affairs and Consumer Protection or Chicago Commission on Human Relations ("CCHR"). Investigations to enforce subsection (f)(3) of this section shall be conducted by CCHR.

(e) *Legal duties.* Each license engaged in the business of hotel shall a duty to:

(1) equip employees who are assigned to work in a guest room or restroom, under circumstances where no other employee is present in such room, with a panic button or notification device. The employee may use the panic button or notification device to summon help if the employee reasonably believes that an ongoing crime, sexual harassment, sexual assault or other emergency is occurring in the employee's presence. Panic buttons and notification devices shall be provided by the licensee at no cost to the employee;

(2) develop, maintain and comply with a written anti-sexual harassment policy to protect employees against sexual assault and sexual harassment by guests. Such policy shall: (a) encourage employees ("complaining employee") to immediately report to the licensee instances of alleged sexual assault and sexual harassment by guests ("offending guest"); (b) describe the procedures that the complaining employee and licensee shall follow in such cases; (c) instruct the complaining employee to cease work and to leave the immediate area where danger is perceived until hotel security personnel or members of the Police Department arrive to provide assistance; (d) offer temporary work assignments to the complaining employee during the duration of the offending guest's stay at the hotel, which may include assigning the employee to work on a different floor or at a different station or work area away from the offending guest; (e) provide the complaining employee with necessary paid time off to: (i) sign a complaint with the Police Department against the offending guest, and (ii) testify as a witness at any legal proceeding that may ensue as a result of such complaint, if the complaining employee is still in the licensee's employ at the time such legal proceeding occurs; (f) inform the employee that the Illinois Human Rights Act, Chicago Human Rights Ordinance and Title VII of the Civil Rights Act of 1964 provide additional protections against sexual harassment in the workplace; and (g) inform the employee that subsection (f)(3) of this section makes it illegal for an employer to retaliate against any employee who reasonably uses a panic button or notification device, or in good faith avails himself or herself of the requirements set forth in subsection (e)(2)(c), (e)(2)(d), (e)(2)(e) of this subsection, or discloses, reports or testifies about any violation of this section or rules promulgated thereunder. Nothing in this subsection (e)(2) shall be construed to relieve the licensee from compliance with Section

4-4-306; and

(3) provide all employees with a current copy in English, Spanish and Polish of the hotel's anti-sexual harassment policy, and post such policy in English, Spanish and Polish in conspicuous places in areas of the hotel, such as supply rooms or employee lunch rooms, where employees can reasonably be expected to see it.

~~(e)(f)~~ *Prohibited acts.* It shall be unlawful for any licensee engaged in the business of hotel to:

(Omitted text is unaffected by this ordinance)

(3) retaliate against any employee for: (i) reasonably using a panic button or notification device, or (ii) availing himself or herself of the requirements set forth in subsection (e)(2)(c), (e)(2)(d) or (e)(2)(e) of this section, or (iii) disclosing, reporting, or testifying about any violation of this section or any rule promulgated thereunder. Any complaint alleging a violation of this subsection (f)(3) shall be filed by the aggrieved party with the Chicago Commission on Human Relations ("CCHR") no later than 180 days after the occurrence of the alleged violation and in accordance with rules duly promulgated by the Commissioner of CCHR. Two or more adjudged violations of this subsection (f)(3) within any 12-month period may result in license suspension or revocation in accordance with Section 4-4-280. Provided, however, that: (A) the subject matter of any such disciplinary hearing or proceeding under Section 4-4-280 shall be limited to the issue of whether the required number of adjudged violations of this subsection (f)(3) occurred within any 12-month period; (B) the licensee shall not be permitted at such disciplinary hearing or proceeding to challenge the adjudged violations themselves, nor any underlying facts asserted or determined therein; and (C) no fines shall be imposed on the licensee as a result of such disciplinary hearing or proceeding under Section 4-4-280.

~~(f)(g)~~ *Penalty – License revocation – One year wait for new license – Exceptions.*

(1) ~~In~~ Except as otherwise provided in subsection (f)(3)(C) of this section, and in addition to any other penalty provided by law, any person who violates any requirement of this section or any rule or regulation promulgated thereunder shall be subject to a fine of not less than \$250.00 nor more than \$500.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense.

(Omitted text is unaffected by this ordinance)

SECTION 2. Section 2-160-090 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

2-160-090 Violation – Investigation by commission on human relations – Prosecution.

The Chicago ~~commission on human relations~~ Commission on Human Relations shall receive and investigate complaints of violations of this chapter, except where such duty is modified by intergovernmental agreement, and complaints of violations of subsection (f)(3) of Section 4-6-180, and shall prepare and provide necessary forms for such complaints. No person shall refuse or fail to comply with any subpoena, order or decision issued in the course of or as a result of an investigation.

SECTION 3. Section 2-160-100 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

2-160-100 Retaliation prohibited.

No person shall retaliate against any individual because that individual in good faith has made a charge, testified, assisted or participated in an investigation, proceeding or hearing under this chapter or under subsection (f)(3) of Section 4-6-180.

SECTION 4. Following its passage and publication, that portion of this Ordinance that creates subsection (e)(1) of Section 4-6-180 shall take full force and effect on July 1, 2018. The remainder of this Ordinance shall take full force and effect 60 days after its passage and publication.

CHICAGO CITY COUNCIL CO-SPONSOR ADDITION /CHANGE

Document No.: SO 2017-3260

Subject: amendment of Municipal Code Section 4-6-180 by requiring
notice employees assigned to work in guestrooms or restrooms
to be equipped w/portable emergency contact devices.

Please Add or Change the Co-Sponsor as Shown Below

Alderman	<u>Patrick O'Connor</u>	<u>40th</u>	Ward
Alderman	<u>Anthony M. Beale</u>	<u>9th</u>	Ward
Alderman	<u>[Signature]</u>	<u>14th</u>	Ward
Alderman		<u>43rd</u>	Ward
Alderman		<u>50th</u>	Ward

Please Remove or Change the Co-sponsor as Shown Below

Alderman	_____	_____	Ward
Alderman	_____	_____	Ward
Alderman	_____	_____	Ward
Alderman	_____	_____	Ward
Alderman	_____	_____	Ward

Patrick O'Connor

PATRICK J. O'CONNOR, Chairman
Committee on Workforce Development and Audit

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- Chairman of Committee to which legislation was referred
- City Clerk

CHICAGO CITY COUNCIL CO-SPONSOR ADDITION /CHANGE

Document No.: SO 2017-3260

Subject: Amendment of Municipal Code Section 4-6-180 by requiring hotel employees assigned to work in guestrooms or restrooms to be equipped w/portable emergency contact devices.

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Alderman	<u>Patrick O'Connor</u>	<u>40th</u>	Ward
Alderman	<u>[Signature]</u>	<u>9th</u>	Ward
Alderman	<u>[Signature]</u>	<u>14th</u>	Ward
Alderman	<u>[Signature]</u>	<u>43rd</u>	Ward
Alderman		<u>50th</u>	Ward

Please Remove or Change the Co-sponsor as Shown Below

Alderman			Ward
Alderman			Ward
Alderman			Ward
Alderman			Ward
Alderman			Ward

Patrick O'Connor

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CHICAGO CITY COUNCIL CO-SPONSOR ADDITION /CHANGE

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Alderman	<u>[Signature]</u>	<u>9th</u>	Ward
Alderman	<u>[Signature]</u>	<u>14th</u>	Ward
Alderman	<u>[Signature]</u>	<u>43rd</u>	Ward
Alderman	<u>[Signature]</u>	<u>50th</u>	Ward

Please Remove or Change the Co-sponsor as Shown Below

Alderman	_____	_____	Ward
Alderman	_____	_____	Ward
Alderman	_____	_____	Ward
Alderman	_____	_____	Ward
Alderman	_____	_____	Ward

Patrick O'Connor

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Committee on Workforce Development and Audit

Final copies to be filed with:

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CITY CLERK

Chicago City Council Co-Sponsor Form

Document No.: SO2017-3260

Subject: Amend Mun. Code re: Equipping Hotel Employees with
Emergency Contact Devices

Adding Co-Sponsor(s)

Please **ADD** Co-Sponsor(s) Shown Below – (Principal Sponsor's Consent Required)

Alderman Andrea M. Valencia (____ Ward)
(Signature)

Alderman _____ (____ Ward)
(Signature)

Alderman _____ (____ Ward)
(Signature)

Alderman _____ (____ Ward)
(Signature)

Alderman _____ (____ Ward)
(Signature)

Date Filed: _____

Principal Sponsor: _____

(Signature)

Patrick O'Connor
Chairman, Committee on Workforce Development + Audit

Removing Co-Sponsor(s)

Please **REMOVE** Co-Sponsor(s) Below – (Principal Sponsor's Consent NOT Required)

Alderman _____ (____ Ward)
(Signature)

Alderman _____ (____ Ward)
(Signature)

Date Filed: _____

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MIAMI BEACH

COMMITTEE MEMORANDUM

TO: Neighborhood/Community Affairs Committee Members

FROM: Jimmy L. Morales, City Manager

DATE: January 24, 2018

SUBJECT: **DISCUSSION REGARDING CONTRACTING EMERGENCY SERVICES TO SAVE
MIAMI BEACH TREES AFTER A HURRICANE**

ANALYSIS:

Discussion at Committee.

ATTACHMENTS:

Description

Type

▣ NCAC Tree Re-Staking Post Storm

Memo

MIAMI BEACH

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

COMMITTEE MEMORANDUM

TO: Neighborhood / Community Affairs Committee

FROM: Jimmy L. Morales, City Manager

DATE: December 20, 2017

SUBJECT: **DISCUSSION REGARDING CONTRACTING EMERGENCY SERVICES TO SAVE MIAMI BEACH TREES AFTER A HURRICANE.**

BACKGROUND

At the City Commission meeting on December 13, 2017, the Mayor and City Commission referred a discussion to the Neighborhood / Community Affairs Committee regarding contracting emergency services to save Miami Beach trees after a hurricane. This item was sponsored by Commissioner Kristen Rosen-Gonzalez.

ANALYSIS

This past September, Hurricane Irma damaged many trees throughout the city. Urban Forestry staff, in coordination with Greenspace Management staff and Parks and Recreation staff, assessed all the trees impacted within the public right-of-way and in public parks to determine which could be saved and which had to be removed. Viable trees have been re-staked, pruned and watered, as appropriate, to improve their chances of survival.

Through interdepartmental efforts, the city has saved many trees. However, several trees were deemed imminent hazards or were severely damaged and are being removed. A pre-storm and post-storm comparison is in progress, the results of which are anticipated in January 2018. Based on initial observations, there has been a substantial loss of trees, which will take several years to fully replace.

One opportunity that was identified in the storm response process is the need to retain a pre-selected vendor or pool of vendors that can assist with re-staking and watering trees once they have been assessed. Following Hurricane Irma, staff was primarily engaged in assessment and debris removal efforts. Therefore, the staff available to conduct these efforts was limited. Staff is updating the departmental hurricane plans for next year in light of this year's experiences to have the ability (via a pool of qualified vendors) to save more trees within the critical re-staking period after future storms.

CONCLUSION

The following is presented to the members of the Neighborhood / Community Affairs Committee for discussion.

SMT/ESW/MKW

MIAMI BEACH

COMMITTEE MEMORANDUM

TO: Neighborhood/Community Affairs Committee Members

FROM: Jimmy L. Morales, City Manager

DATE: January 24, 2018

SUBJECT: **DISCUSSION ON THE 23RD STREET AND 63RD STREET COMPLETE STREETS
FEASIBILITY STUDIES**

KEY INTENDED OUTCOME:

Ensure Comprehensive Mobility Addressing All Modes Throughout The City

HISTORY:

In July 2015, the City Commission adopted a modal prioritization, placing pedestrians first; bikes, freight and transit second; and cars third. Following this, in April 2016, the City Commission adopted the Miami Beach Transportation Master Plan, Bicycle-Pedestrian Master Plan, Street Design Guide, and Project Bank to guide its transportation infrastructure investments and initiatives over a 20-year horizon.

The Miami Beach Transportation Master Plan recommended the Complete Streets concepts. Complete Streets are streets for everyone. They are designed for all users, which include pedestrians, bicyclists, motorists, and transit riders of all ages and abilities. Complete Streets make it easy to cross the street, walk to shops, and bicycle to work, and allow buses to run on-time and make it safe for people to walk to and from their destinations.

ANALYSIS:

The 23rd Street and 63rd Street Complete Streets Feasibility Studies were initiated in April 2017 with the goal of transforming these streets into “Complete Streets”. The team identified and assessed existing transportation conditions and recommended multi-modal transportation improvements which would increase access and safety for users of all travel modes. Conditions within a 2 to 3 block radius of the study area were reviewed, since they could have an impact on the study area. The Transportation Master Plan was used as the main reference guiding document in the development of the feasibility studies.

Transportation Department Staff worked with the consultant team to establish a review process that was expeditious while allowing for the community to provide feedback at multiple stages throughout the process. A kick-off meeting was held with the consultant team to initiate the studies and ensure that City Staff and the consultant team were in agreement regarding project deliverables and schedule. Bi-weekly update meetings were held with the study team, as well as multiple review meetings with internal City departments to gauge process and provide feedback.

A public input meeting was held on August 7, 2017 at 6PM at the Miami Beach Regional Library to obtain valuable community input and provide direction to the study team.

Draft deliverables were prepared by the consultant team per the scope of service and generally focused on short,

mid, and long-term solutions intended to transform 23rd Street and 63rd Street into Complete Streets. Staff has reviewed and provided initial comments to the consultant team.

The concepts for the proposed 23rd Street Complete Street include: bicycle lanes, bicycle boxes, parklets, improved traffic flow, space for transit and bicycle sharing, an improved shared-use path connection to the beach, enhanced sidewalks, a traffic circle, a raised pedestrian crossing, and a designated freight loading area.

The concepts for the proposed 63rd Street Complete Street include: bicycle lanes or a shared-use path, bicycle boxes, a shared bike/transit lane, improved traffic flow, enhanced sidewalks, and a new connection to the beach through Allison Park.

This item was referred at the December 13, 2017 Commission Meeting to the December 20 Neighborhood/Community Affairs Committee (NCAC) meeting. At the December 20th NCAC meeting, the item was deferred to its January 24th meeting. After review by the NCAC, the draft concepts will again be presented to the community for comments to further refine the final draft documents.

CONCLUSION:

This item is provided to the NCAC for discussion and input.

MIAMI BEACH

COMMITTEE MEMORANDUM

TO: Neighborhood/Community Affairs Committee Members

FROM: Jimmy L. Morales, City Manager

DATE: January 24, 2018

SUBJECT: **DISCUSSION REGARDING THE INSTALLATION OF LANDSCAPING BY THE MURANO AT PORTOFINO CONDOMINIUM ALONG THE PUBLIC BAYWALK ADJACENT TO THE MIAMI BEACH MARINA**

HISTORY:

The easements referenced more fully below in this Memorandum serve to provide public access along the Miami Beach Marina waterfront, and to and from Alton Road to the Baywalk, and arise from the original ownership by the City of all of the uplands and then a series of Settlement Agreements initially between the City and South Shore Developers, Inc. ("SSDI") in July 1985, and subsequent Development Agreements in 1986. Thereafter, the various successors to SSDI and the City have modified those original SSDI documents and agreements through subsequent Settlement Agreements and various agreements, but in all cases public access to the bay and to and from Alton Road have been required and maintained.

Importantly, the Settlement Agreements and other agreements required SSDI and its successors to grant all of the easements over the property they were acquiring from the City.

Pursuant to the Amended and Restated Grant of Baywalk Easement dated May 24, 1999 between Westside Partners, Ltd. ("Grantor") and the City of Miami Beach, Florida ("Grantee" or "City") ("Baywalk Easement"), the City was granted a permanent, irrevocable, non-exclusive easement, for the use of the public, over and across the Easement Parcel more particularly described in Schedule A of the Baywalk Easement, portions of which are now owned by the Murano At Portofino Condominium Association, Inc. ("Murano at Portofino"), as transferee of Grantor or its successors or assignees, as the case may be, subject to all terms and conditions set forth in the Baywalk Easement.

Additionally, pursuant to the Grant of Easement for SSDI Drop-off Parking and Access Easement Agreement dated May 24, 1999 between Westside Partners, Ltd. ("Grantor") and the City of Miami Beach, Florida ("Grantee" or "City") ("SSDI South Easement"), the City was granted a permanent, irrevocable, non-exclusive easement, for the use of the public, over and across the South Easement Area more particularly described in Exhibit B-2 of the SSDI South Easement, portions of which are now owned by the Murano At Portofino Condominium Association, Inc. ("Murano at Portofino"), as transferee of Grantor or its successors or assignees, as the case may be, subject to all terms and conditions set forth in the SSDI South Easement. A survey of the Baywalk Easement and SSDI South Easement is attached hereto as Exhibit "A" (collectively, the "Easement Areas") and as Exhibit "A-1" ("Easement Areas Photo").

The permanent easement rights set forth in the Baywalk Easement and SSDI South Easement were granted to the City for purpose of, among other specified uses, providing the City, its lessees (i.e., the Miami Beach Marina), and the public with a non-exclusive way of passage, access to, and reasonable use of, the Easement

Areas, as a baywalk for pedestrian use. The Miami Beach Marina is obligated to maintain the Easement Areas and appurtenant landscape areas, in accordance with Article XIV of the Marina Lease dated June 24, 1983.

Section 7 of the Baywalk Easement provides that the Grantor reserved, for itself and its successors and assigns, certain rights of use with respect to the Easement Parcel, including “the right to reconstruct, decorate, or otherwise enhance the appearance of any landscaping and site improvements located on the Easement Parcel at any time and from time to time, at Grantor's, its successors' and assigns', cost and expense, ***provided such construction, decorations and enhancements are reasonably acceptable to Grantee*** and otherwise consistent with the Operating Standards.” See Section 7(C)(ii), Baywalk Easement (emphasis supplied).

Section 5 of the SSDI South Easement provides that the Grantor reserved, for itself and its successors and assigns, certain rights of use with respect to the Easement Parcel, including “the right to reconstruct, decorate, or otherwise enhance the appearance of any landscaping and site improvements located on the South Easement Area at any time and from time to time, at Grantor's, its successors' and assigns', cost and expense, ***provided such construction, decorations and enhancements are reasonably acceptable to Grantee*** and otherwise consistent with the Operating Standards, provided, however, that the foregoing rights reserved by the Grantor ***shall not unreasonably interfere with the continuous use of the South Easement Area*** as permitted herein by the Grantee or its successors or assignees and its invitees, agents, employees, guests, lessees, licensees, and contractors, and which will not otherwise frustrate the rights granted to said parties hereunder.” See Section 5, SSDI South Easement (emphasis supplied).

ANALYSIS:

In January 2017, the Murano at Portofino commenced with the construction of landscaping, irrigation and related improvements over and across certain areas that are all located within the Easement Areas, and which, among other enhancements, includes installation of a hedge and/or other plant material along certain grassy portions of the Easement Areas, between the grassy areas located within the Easement Areas, and the paved areas located within the Easement Areas, pictures of which are attached hereto as Exhibit “B” (“Landscaping Enhancements”). However, even though the City, acting in its regulatory capacity via the Planning Department, issued a permit for the installation of the landscaping, at no time has the Murano at Portofino sought or obtained the City’s consent or acceptance in or to the Landscaping Enhancements, as required by the express terms of the Baywalk Easement and the SSDI South Easement.

Accordingly, the City, in its proprietary capacity as Grantee under the Baywalk Easement and the SSDI South Easement, notified Murano at Portofino on February 23, 2017 that, pursuant to Section 7(C)(ii) of the Baywalk Easement and Section 5 of the SSDI South Easement, the City does not accept, and does not consent to, the Landscaping Enhancements that Murano at Portofino had undertaken within the Easement Areas. As part thereof, the City specifically objected to the Murano at Portofino’s installation of the hedge/plant material within the Easement Areas, as the hedge/plant material creates a physical barrier between the grassy portions of the Easement Areas, and the paved portions of the Easement Areas, and the Landscaping Enhancements thereby restrict, impede, or otherwise hinder and unreasonably interfere with the pedestrian use of the Easement Areas as contemplated by the Baywalk Easement and SSDI South Easement.

Murano at Portofino asserts they installed the hedges to deter pet owners from allowing their dogs to defecate on the grassy areas. According to the Murano at Portofino, the number of pets on the Baywalk has increased substantially over the years and most pet owners do not pick up after their pets. The City believes this problem may be addressed with additional Code enforcement and requiring the Marina to perform regular cleaning of these grassy areas as required under their agreement.

As the City cannot accept the Landscaping Enhancements that serve to restrict the public’s right of pedestrian use of the Easement Areas, including the grassy areas located therein, the City demanded that the Murano at Portofino remove all unauthorized landscaping that it, or its contractor, has installed within the Easement Areas, and restore the Easement Areas to the same condition as existed prior to the commencement of the unauthorized Landscaping Enhancements. To date, the Murano at Portofino has

not complied with the City's demand.

Subsequent to said notification, and additional correspondence, the Administration proposed alternatives to the Landscaping Enhancements, which included adding additional landscaping in certain areas and relocating landscaping in other areas. These alternatives were rejected by representatives of the Murano at Portofino in a meeting held on April 6, 2017.

On July 19, 2017, the attorney for the Murano at Portofino provided its initial written response to the City, alleging that the Baywalk Easement and SSDI South Easement either do not extend to any of the present grassy area, or were somehow abandoned. The City has requested that the Murano at Portofino provide the documentation supporting its allegations, so that the City could evaluate and respond to these assertions, which not only implicate the landscaping that was installed without City's approval as noted above, but the rights of the public under the Baywalk Easement and SSDI South Easement. The City disagrees with the Murano at Portofino's conclusory response. The survey prepared by Schwebke-Shiskin & Associates, Inc. clearly shows that the Baywalk Easement is the westerly 25 feet of the platted lots, and covers the grassy area that the Murano altered without the City's permission. The survey also reflects that the hedges fall within, and cut off, public access to a substantial portion of the SSDI South Easement Area.

On January 19, 2018, City staff met with the attorney for the Murano at Portofino and discussed their proposal to resolve this matter. Regarding the SSDI South Easement, they propose modifying the footprint of the easement to match the as-built condition of the existing paved walkway. This would result in each party gaining and losing a portion of area at this location. The City will verify the modification is for approximately the same overall square footage. Under this scenario, the Landscaping Enhancements at this location would then be located on area outside of the "new" easement. Regarding the Baywalk Easement, the Murano at Portofino is requesting the City's revocable approval of the Landscaping Enhancements. Said revocable approval would be subject to: 1) their obligation to maintain the landscaping and the grassy area at that location, 2) their obligation to clean the area and keep it free of waste and debris and 3) the height of the landscaping may not exceed three feet.

CONCLUSION:

The Administration seeks direction regarding the Landscaping Enhancements installed by the Murano at Portofino along the Easement Areas adjacent to the Miami Beach Marina.

ATTACHMENTS:

Description	Type
□ Exhibit A-1 - Easement Areas Photo	Memo
□ Exhibit A- Survey of Easement Areas	Memo
□ Exhibit B - Landscaping Enhancements	Memo







MIAMI BEACH

COMMITTEE MEMORANDUM

TO: Neighborhood/Community Affairs Committee Members

FROM: Jimmy L. Morales, City Manager

DATE: January 24, 2018

SUBJECT: **DISCUSSION REGARDING THE DESIGN AND CONSTRUCTION OF TWO (2) NEIGHBORHOOD MONUMENT SIGNS REQUESTED BY THE SOUTH OF FIFTH NEIGHBORHOOD ASSOCIATION**

HISTORY:

ANALYSIS:

The South of Fifth Neighborhood Association (SOFNA) has identified the desire for monument signs in their neighborhood. The proposed locations for the signs are 5th Street and Alton Road and 5th Street and Washington Avenue.

SOFNA requested that the Office of Capital Improvement Projects (CIP) assist them to develop signage that would reflect the needs of the neighborhood, which include existing architecture and the identity and characteristics of the area.

ATTACHMENTS:

Description	Type
☐ SOFNA Request for Signs	Other

Baguer, Christina

From: Ronald Starkman <rpstarkman@gmail.com>
Sent: Friday, January 19, 2018 8:28 AM
To: Martinez, David - CIP
Cc: Clare McCord; Dawn McCall; Michael DiFilippi; Patrick Groenendaal; Brian Hauserman; Marie Peter
Subject: Request for Neighborhood Entrance Signs South of Fifth

David,

The South of Fifth Neighborhood Association (SOFNA) requests that the City of Miami Beach install neighborhood entrance signs at 5th Street & Alton Road and the 5th Street & Washington Avenue – the main traffic gateways to the South of Fifth Neighborhood. The ongoing development of distinct neighborhoods within the City of Miami Beach enhances the quality of life for all residents and helps to increase property values and the tax base. South of Fifth has become more than just a map location -- it is a recognized brand representing the best qualities of our City. Tasteful signage at its entrance will further enhance that branding.

If this request is approved, we look forward to working with an architect appointed by the city on the design of the signs for our neighborhood.

Ronald Starkman
Vice President -- South of Fifth Neighborhood Association



Virus-free. www.avg.com

MIAMI BEACH

COMMITTEE MEMORANDUM

TO: Neighborhood/Community Affairs Committee Members

FROM: Jimmy L. Morales, City Manager

DATE: January 24, 2018

SUBJECT: **DISCUSSION ON NON-TOXIC PRODUCTS IN MIAMI BEACH**

HISTORY:

ANALYSIS:

Discussion at Committee.

ATTACHMENTS:

Description		Type
<input type="checkbox"/>	Attachment A- GreenProc	Other
<input type="checkbox"/>	Attachement B - FL Friendly Reso	Other
<input type="checkbox"/>	MEMO_ Non Toxic Products	Memo

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE SUSTAINABILITY AND RESILIENCY COMMITTEE TO ADOPT THE SUSTAINABLE AND RESILIENT PROCUREMENT POLICY ATTACHED HERETO AS EXHIBIT A; AND, DIRECTING THE CITY MANAGER TO ESTABLISH ADMINISTRATIVE PROCEDURES THAT REQUIRE EACH CITY DEPARTMENT TO CONSIDER SUSTAINABILITY AND RESILIENCY IN PROCUREMENT DECISIONS.

WHEREAS, the City of Miami Beach recognizes its responsibility to minimize the negative impacts of its purchases on human health and the environment while supporting a diverse, equitable, and vibrant community and economy; and

WHEREAS, the City recognizes the vast variety of products and services it procures have inherent social, human, health, environmental, and economic impacts; and

WHEREAS, the City recognizes the importance of integrating resiliency factors into the procurement process to reduce vulnerabilities and to minimize risk; thus, strengthening our ability to bounce back from shocks, such as hurricanes, and stressors, such as sea level rise; and

WHEREAS, the City recognizes it should make procurement decisions that embody, promote, and encourage the City's commitment to sustainability and environmental stewardship; and

WHEREAS, the City recognizes its significant purchasing power and its ability to increase sustainability and resiliency through its procurement practices; and

WHEREAS, on May 11, 2016, via agenda item C4J, the City Commission approved a referral to the Sustainability and Resiliency Committee regarding the establishment of a City-wide sustainable procurement policy; and

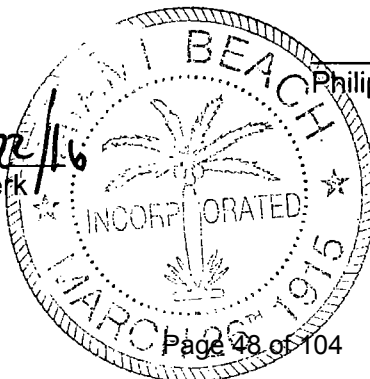
WHEREAS, on June 7, 2016, the Sustainability and Resiliency Committee unanimously approved a recommendation to the Mayor and City Commission that the Sustainable and Resilient Procurement Policy, attached hereto as Exhibit A, be adopted.

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 accept the recommendation of the Sustainability and Resiliency Committee and adopt the Sustainable and Resilient Procurement Policy, attached hereto as Exhibit A; and, direct the City Manager to establish administrative procedures that require each City department to consider sustainability and resiliency in procurement decisions.

PASSED AND ADOPTED this 14 day of September 2016.

ATTEST:

Rafael E. Granado, City Clerk



Philip Levine, Mayor

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**

City Attorney

Date

Exhibit A

“City of Miami Beach Sustainable and Resilient
Procurement Policy”



City of Miami Beach Sustainable and Resilient Procurement Policy

1. Purpose

The City of Miami Beach recognizes its responsibility to minimize negative impacts of its purchases on human health and the environment while supporting a diverse, equitable, and vibrant community and economy. The City recognizes that the products and services the City buys have inherent social, human, health, environmental and economic impacts and that the City should make procurement decisions that embody, promote, and encourage the City's commitment to sustainability. The City recognizes its significant purchasing power and its ability increase resiliency through this Policy and practices. This Policy aims to institutionalize sustainable and resilient procurement practices into the Miami Beach Procurement Program.

This Sustainable and Resilient Procurement Policy is intended to:

- Result in the purchase and use of materials, products and services that best align with the City's fiscal, environmental, social, community, and performance goals;
- Reduce the environmental impacts from City use of products, including the reduction of greenhouse gas emissions, climate change effects, landfill waste, health and safety risks, and resource consumption;
- Incorporate sustainability standards into procurement decisions;
- Empower Department and City Procurement staff to be innovative and demonstrate leadership by incorporating progressive and best-practice sustainability specifications, strategies, and practices in procurement decisions;
- Ensure vendors provide products and services that are most suited to the City sustainability program;
- Encourage and promote both local and national companies to bring forward emerging and progressive sustainable products and services, by being a consumer of such products and companies; and
- Communicate the City's commitment to sustainable procurement, by modeling the best product and services choices to citizens, other public agencies and private companies.
- Facilitate our emergency preparedness and the ability to quickly bounce back from shocks, such as hurricanes, and stressors, such as sea level rise.



City of Miami Beach Sustainable and Resilient Procurement Policy

2. Departments Affected

All City departments that make purchases of goods, services, design and construction, or that contract with others to make purchases.

3. City Commission Policy

a. General Policy Statement

The City shall acquire its goods and services in these sustainable ways through fiscal responsibility, social equity, and community and environmental stewardship. Additionally, this Policy will provide for procurement that promotes resiliency to prepare for and respond to our shocks and stressors. Each City department shall comply with this Policy and actively encourage procurement decisions that reflect the Policy objectives. The Procurement Department shall actively lead these efforts, and promote compliance.

b. Sustainability Factors

Factors to consider:

- Pollutant releases and toxins, especially persistent bioaccumulative toxins (PBTs), air emissions, and water pollution;
- Waste generation and waste minimization;
- Energy consumption;
- Greenhouse gas emissions;
- Recyclability and recycled content;
- Depletion or enhancement of natural resources;
- Potential impact on human health and the environment;
- Impacts on biodiversity; and
- Environmental practices that vendors and manufacturers have incorporated into their office and production process.

Social equity factors to be considered include, but are not limited to:

- Human health impacts; and
- Use of local businesses.



City of Miami Beach Sustainable and Resilient Procurement Policy

c. Resiliency factors

Factors to consider:

- **Reflective** individuals and institutions use past experience to inform future decisions, and will modify standards and behaviors accordingly.
- **Resourceful** people and institutions are able to recognize alternative ways to use resources at times of crisis in order to meet their needs or achieve their goals.
- **Robust** design is well-conceived, constructed, and managed and includes making provision to ensure failure is predictable, safe, and not disproportionate to the cause. For example, protective infrastructure that is robust will not fail catastrophically when design thresholds are exceeded.
- **Redundancy:** refers to spare capacity purposively created to accommodate disruption due to extreme pressures, surges in demand, or an external event. It includes diversity where there are multiple ways to achieve a given need.
- **Flexibility:** refers to the willingness and ability to adopt alternative strategies in response to changing circumstances or sudden crises. Systems can be made more flexible through introducing new technologies or knowledge, including recognizing traditional practices.
- **Inclusive:** processes emphasize the need for broad consultation and 'many seats at the table' to create a sense of shared ownership or a joint vision to build City resilience.
- **Integrated:** processes bring together systems and institutions and can also catalyze additional benefits as resources are shared and actors are enabled to work together to achieve greater ends.



City of Miami Beach Sustainable and Resilient Procurement Policy

d. Preferences

The Procurement Department does not calculate a direct price preference for sustainable products in the selection of contractors because the City prefers to directly implement product decisions that are most environmentally preferable.

The City instead establishes a minimum specification with the most environmentally preferable solutions for particular products, and may also utilize a scored evaluation criteria allowing additional consideration for positive environmental product options, corporate practices, and other environmental solutions proposed by the vendors.

5. Use of Best Practices

The Procurement Department and City employees will utilize best practices in sustainable procurement as they evolve. As it applies to this policy, best practices in sustainable and resilient procurement are those that utilize leading edge sustainability factors, standards, and policies.

6. Reduce Consumption, Source Reduction, and Reuse

To increase efficiencies and address societal and community costs, such as landfill waste handling, toxin exposures, resource depletion, and greenhouse gas emissions, City departments will work to reduce consumption through means including, but not limited to:

- Elimination of unnecessary purchases;
- Minimization of redundant purchases;
- Preference for purchase of:
 - remanufactured, recycled, or reusable products;
 - products with minimized packaging;
 - products without toxic chemicals;
 - products that are durable, long lasting, reusable, recyclable, or otherwise create less waste; and
 - products with manufacturer or vendor take-back programs.



City of Miami Beach Sustainable and Resilient Procurement Policy

7. Environmental Standards and Product Certifications

Standards: The City of Miami Beach will comply with all applicable local, state and federal regulations including the U.S. Environmental Protection Agency (USEPA) standards whenever published for a product or services.

Third-Party Certifications: City Departments and the Procurement Department may apply the most stringent third-party label standard available for a product or service being acquired. The City may use independent, third-party environmental product or service label certifications when writing specifications for, or procuring materials, products, or services, whenever a responsible label standard is applicable and available. Qualifying labels shall be:

- Developed and awarded by an impartial third-party;
- Developed in a public, transparent, and broad stakeholder process; and
- Represent specific and meaningful leadership criteria for that product or service category.

In addition, whenever possible, label standards used in product or service specifications should represent standards that take into account multiple attributes and life-cycle considerations, with claims verified by an independent third party.

8. This policy authorizes the City Manager, through the Procurement Director, to develop Sustainable and Resilient Procurement Procedures, to train staff, and to periodically update with best practices.

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Jimmy L. Morales, City Manager
DATE: September 14, 2016

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE SUSTAINABILITY AND RESILIENCY COMMITTEE TO ADOPT THE SUSTAINABLE AND RESILIENT PROCUREMENT POLICY ATTACHED HERETO AS EXHIBIT A; AND, DIRECTING THE CITY MANAGER TO ESTABLISH ADMINISTRATIVE PROCEDURES THAT REQUIRE EACH CITY DEPARTMENT TO CONSIDER SUSTAINABILITY AND RESILIENCY IN PROCUREMENT DECISIONS.

RECOMMENDATION

Approve the Resolution accepting the recommendation of the Sustainability and Resiliency Committee to adopt the Sustainable and Resilient Procurement Policy and directing the City Manager to establish administrative procedures that require each city department to consider sustainability and resiliency in procurement decisions.

ANALYSIS

At the City Commission meeting on May 11, 2016, the Mayor and City Commission referred a discussion to the Sustainability and Resiliency Committee regarding the establishment of a sustainable procurement policy. This item was sponsored by Commissioner Aleman.

Green procurement is one of the ten priority program areas within the City of Miami Beach Sustainability Plan. The goal of this program area is to increase the use of non-hazardous and environmentally friendly products in government maintenance, operations, permitted concessionaires/vendors and special events, as well as promote the decreased use of hazardous, toxic, and/or nonrecyclable goods community-wide.

Within its green procurement initiatives, the City has a Janitorial Program that requires all cleaning services to be conducted in strict accordance with the Green Seal Standard for Commercial and Institutional Cleaning Services (GS-42). This standard establishes environmental requirements for cleaning service providers of commercial, public, and institutional buildings. Under the Janitorial Program, products and services contracted within the City should be evaluated in part based on their environmental attributes to reduce risks to health, safety, and the environment. Contractors are required to submit a list of the products they intend to use prior to commencement of work and they are responsible for providing invoices of

specific products confirming compliance.

As part of the City of Miami Beach Rising Above Resiliency Strategy, this memorandum introduces a more complete and robust Sustainable and Resilient Procurement Policy (attachment A) to further institutionalize procurement approaches in a balanced sustainable manner and will assist the City in bouncing back from shocks and stressors in the face of climate change. By establishing this Policy, the City will be able to reduce greenhouse gas (GHG) emissions to combat climate change; decrease the use of hazardous materials to improve community and environmental health; and decrease waste and inefficiencies in electricity, fuel, paper, water and other consumption to relieve pressure on natural resources.

CONCLUSION

The Administration recommends that the Mayor and City Commission of the City of Miami Beach, Florida, approve the Resolution accepting the recommendation of the Sustainability and Resiliency Committee to adopt the Sustainable and Resilient Procurement Policy and directing the City Manager to establish administrative procedures that require each city department to consider sustainability and resiliency in procurement decisions.

KEY INTENDED OUTCOMES SUPPORTED

Ensure Expenditure Trends Are Sustainable Over The Long Term

FINANCIAL INFORMATION

The Sustainable Procurement Policy does not mandate a specific product or source of supply over another; but, rather, facilitates the consideration of sustainability and resiliency factors in procurement decisions. The Administration must still conduct its due diligence and cost benefit analysis prior to any specific procurement decision. As such, discussions on any possible fiscal impact must be deferred until such time as specific procurement decisions, and their budgetary impacts, are being considered.

Total NA

Legislative Tracking

Environmental and Sustainability/Procurement

Sponsor

Commissioner John Elizabeth Aleman

ATTACHMENTS:

Description

- ▢ Resolution and Exhibit A

RESOLUTION

2017-29748

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, INCORPORATING BEST MANAGEMENT PRACTICES FOR LANDSCAPING BY INCLUDING THE USE OF THE FLORIDA-FRIENDLY LANDSCAPING GUIDE TO PLANT SELECTION AND LANDSCAPE DESIGN WHEN REDEVELOPING CITY PARKS AND CITY-OWNED LAND.

WHEREAS, pursuant to Sections 125.568, 166.048, 373.185, and 373.228 of the Florida Statutes, local governments should consider the adoption of the principles and standards in the Florida-Friendly Landscaping Guide to Plant Selection and Landscape Design ("Florida-Friendly Landscaping"); and

WHEREAS, Section 373.62 of the Florida Statutes, that regulates the installation of rain sensor devices on automatic lawn sprinkler systems, follows Florida-Friendly Landscaping standards; and

WHEREAS, the Florida Watershed Restoration Act and the National Pollutant Discharge Elimination System (NPDES) municipal stormwater permitting program require local governments to reduce pollutant loads discharged from their stormwater management systems to better protect and restore surface and ground waters; and

WHEREAS, the City of Miami Beach ("City"), a world-renowned tourist destination, declares that it is in the interest of the public health, safety, and welfare of its residents and visitors to reduce litter and pollutants on the lands and in the waters of the City, and along its shores and famous beaches; and

WHEREAS, 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, protecting the City's watershed and keeping our waterways clean is critical to our local ecosystem, our residents, and our economy; and

WHEREAS, the City recognizes the need for the protection of water as a natural resource through the application of Florida-Friendly Landscaping practices; and

WHEREAS, Florida-Friendly Landscaping promotes the conservation of water by the use of site adapted plants and efficient watering methods which generally results in a long-term reduction of irrigation, fertilizer, and pesticide requirements, costs, energy, and maintenance; and

WHEREAS, Florida-Friendly Landscaping encourages a reduction of total energy expenditures for such items as water pumping and treatment, the manufacture and shipping of fertilizers, insecticide, and other gardening chemicals, the operation and maintenance of mowers, edgers, blowers, and other combustion based yard equipment, as well as labor; and

WHEREAS, community-wide Florida-Friendly Landscaping efforts are designed to save significant amounts of water to preserve local water supplies such that cumulative benefits may reduce or postpone the need for community potable water supply expansion; and

WHEREAS, it is the City's goal to reduce the risk to human health and the environment by minimizing the use of pesticides and using landscaping best management practices, emphasizing proven, effective, least-toxic, and non-toxic approaches and products in City practices; and

WHEREAS, the City seeks the reduction of the use of Restricted Use Pesticides for pest control through the incorporation of best management practices, including Florida-Friendly Landscaping standards, to be used by City employees and contractors working for the City when redeveloping City parks and City-owned land; and

WHEREAS, this Resolution will preserve and enhance the health and environment of the City of Miami Beach.

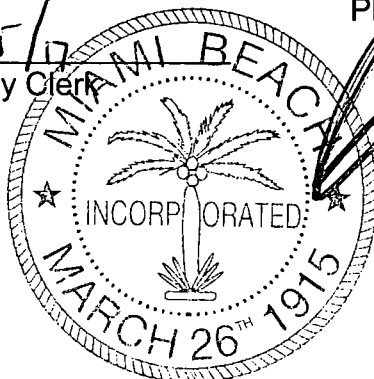
NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby incorporate best management practices for landscaping by including the use of Florida-Friendly Landscaping when redeveloping City parks and City-owned land.

PASSED AND ADOPTED this 8 day of February, 2017.

ATTEST:

RA 2/15/17
Rafael E. Granado, City Clerk

Philip Levine, Mayor



APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney

2/26/17
Date

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Jimmy L. Morales, City Manager
DATE: February 8, 2017

SUBJECT: A RESOLUTION OF THE MAYOR AND THE CITY COMMISSION OF MIAMI BEACH, FLORIDA, INCORPORATING BEST MANAGEMENT PRACTICES FOR LANDSCAPING BY INCLUDING THE USE OF THE FLORIDA-FRIENDLY LANDSCAPING GUIDE TO PLANT SELECTION AND LANDSCAPE DESIGN WHEN REDEVELOPING CITY PARKS AND CITY-OWNED LAND.

Legislative Tracking

Environment & Sustainability / Greenspace

ATTACHMENTS:

Description

- ▢ AttachmentA_Greenspace_Reso
- ▢ MEMO_Greenspace_final

MIAMI BEACH

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

COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales

DATE: February 8, 2017

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, INCORPORATING BEST MANAGEMENT PRACTICES FOR LANDSCAPING BY INCLUDING THE USE OF THE FLORIDA-FRIENDLY LANDSCAPING GUIDE TO PLANT SELECTION AND LANDSCAPE DESIGN WHEN REDEVELOPING CITY PARKS AND CITY-OWNED LAND**

BACKGROUND

At the October 26, 2016 Sustainability and Resiliency Committee (SRC), the Committee passed a motion directing staff to work with the City Attorney's Office on drafting a resolution for approval by the City Commission directing City Departments to incorporate best practices into existing operations. This includes the use of Florida native species and Integrated Pest Management (IPM) when maintaining and redeveloping parks and City owned land.

At the January 18, 2017 SRC, the Committee referred the resolution to City Commission with a favorable recommendation to adopt the resolution.

ANALYSIS

The City of Miami Beach's Parks and Recreation Department, the Public Works Department - Greenspace Management Division, and their contractors currently use pesticides and fertilizers to maintain the landscaping in our parks, greenspaces and parking lots.

Parks and Recreation Department and Greenspace Management Division and their contractors currently follow the State of Florida's Green Industries Best Management Practices for pest control management, which uses Florida Friendly Landscaping (FFL) and IPM as its foundation. IPM emphasizes proper horticultural methods that reduce the need for pesticides and fertilizers. The Parks and Recreation Department and Greenspace Management Division follow FFL principles to conserve water, protect the environment, are appropriate for local conditions, and are drought, wind and/or salt tolerant. These practices also includes planting the right plant in the right place, efficiently watering, appropriate fertilization, mulching, attraction of wildlife, responsible management of yard pests (IPM), recycling yard waste, reduction of stormwater runoff, and waterfront protection. Additional components of FFL include planning and design, soil analysis, use of solid waste compost, practical use of turf, and proper maintenance.

At the request of the SRC, the Greenspace Management Division has developed in-house a resilient FFL project for City Hall that was presented to City Commission on January 11, 2017. The project was accepted by the City Commission and staff was directed to divert and identify funding. The Greenspace Management Division will be working with the Environment and Sustainability Department, UF/IFAS Extension Office, and the Miami Beach Botanical Garden to include an educational element and native plant identification. The goal of the project is to demonstrate and educate our residents, visitors and employees about how a resilient FFL can protect the environment through environmentally sustainable practices, using low-maintenance plants, conserving water and reducing fertilizers and pesticides use.

The proposed resolution provides landscaping guidelines, including the use of Florida Native Species and proper guidelines for redeveloping parks and City owned land. In addition to the proposed resolution, staff is updating landscape specifications used in the Public Works Manual and sustainable procurement specifications.

CONCLUSION

The following resolution is presented to the members of the Mayor and City Commission for discussion. Staff recommends adoption of the proposed resolution.

Attachment A: City of Miami Beach Florida-Friendly Landscaping Resolution

ECT/JR/RK/ESW/FCT



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

COMMITTEE MEMORANDUM

TO: Neighborhood/Community Affairs Committee

FROM: Jimmy L. Morales, City Manager

DATE: January 24, 2017

SUBJECT: **REFERRAL TO THE NEIGHBORHOOD/COMMUNITY AFFAIRS COMMITTEE OF A DISCUSSION ON NON-TOXIC PRODUCTS IN MIAMI BEACH.**

At the City Commission meeting on December 13, 2017, the Mayor and City Commission referred a discussion to the Neighborhood/Community Affairs Committee regarding the use of non-toxic products in Miami Beach. This item was sponsored by Commissioner Michael Gongora.

BACKGROUND

Over the last few years, the Mayor and City Commission have initiated a number of initiatives and programs that have been aimed at reducing the use of hazardous chemicals and products in government operations.

On September 14, 2016, the Mayor and City Commission adopted the city's Sustainable and Resilient Procurement Policy. (Attachment A- Resolution No. 2016-29555). This comprehensive policy has laid the foundation for make all city purchases more sustainable. This policy includes specifications for environmentally preferred materials and packaging for a variety of services and products provided to the city, such as janitorial services, construction materials, food catering, furniture, office supplies, multi-function devices, light poles fixtures, amongst others.

On February 8, 2017, the Mayor and City Commission adopted a policy to further institutionalize landscape best management practices. The policy requires city contractors and staff to follow the Florida Friendly Landscaping Guide when selecting plants and in landscape design when city parks and city-owned land is redeveloped. (Attachment B- Resolution No. 2017-29748).

ANALYSIS

Green procurement is one of the ten priority program areas within the City of Miami Beach Sustainability Plan. The goal of this program area is to increase the use of non-hazardous and environmentally friendly products in government maintenance, operations, permitted concessionaires/vendors and special events, as well as promote the decreased use of hazardous, toxic, and/or nonrecyclable goods community-wide.

In order to recognize its responsibility to minimize negative impacts of its purchases on human health and the environment while supporting a diverse, equitable, and vibrant community and economy, the city has to make procurement decisions that embody, promote, and encourage the city's commitment to sustainability and resiliency.

As part of the ongoing development of the City's Rising Above Resiliency Strategy, the adopted Sustainable and Resilient Procurement Policy institutionalizes procurement approaches in a balanced sustainable manner, supports a more sustainable supply chain and assists the city in bouncing back from shocks and stressors in the face of climate change. The establishment of this policy will assist the city's goal to reduce greenhouse gas (GHG) emissions to combat climate change; decrease the use of hazardous materials to improve community and environmental health; and decrease waste and inefficiencies in electricity, fuel, paper, water and other consumption to relieve pressure on natural resources.

To support this policy and further create environmentally preferred specifications for the city's landscaping, the city currently follows the Florida Friendly Landscaping (FFL) Guide for plant selection and landscaping design. Parks and Recreation Department and Greenspace Management Division and their contractors currently follow the State of Florida's Green Industries Best Management Practices for pest control management, which uses FFL and Integrated Pest Management (IPM) as its foundation. IPM emphasizes proper horticultural methods to ensure the overall vitality of the landscape thus reducing the need for pesticides and fertilizer.

In their everyday operations, the Parks and Recreation Department and Greenspace Management Division follow FFL principles to conserve water, protect the environment, are appropriate for local conditions, and are drought, wind and/or salt tolerant. These practices also includes planting the right plant in the right place, efficiently watering, appropriate fertilization, mulching, attraction of wildlife, responsible management of yard pests (IPM), recycling yard waste, reduction of stormwater runoff, and waterfront protection. Additional components of FFL include planning and design, soil analysis, use of solid waste compost, practical use of turf, and proper maintenance.

CONCLUSION

The following is presented to the members of the Neighborhood/Community Affairs Committee for discussion.

Attachments

Attachment A: City of Miami Beach Sustainable and Resilient Procurement Resolution and Policy

Attachment B: City of Miami Beach Florida-Friendly Landscaping Resolution

MIAMI BEACH

COMMITTEE MEMORANDUM

TO: Neighborhood/Community Affairs Committee Members

FROM: Jimmy L. Morales, City Manager

DATE: January 24, 2018

SUBJECT: DISCUSSION REGARDING THE CITY'S SEXUAL HARASSMENT POLICIES, PROCEDURES, AND TRAINING

ANALYSIS:

Sexual Harassment in the workplace has become prominent on the national stage with a wave of media, entertainment and political figures being accused of misconduct along with the emergence of what is being called the "Me Too Movement" encouraging victims of sexual harassment and misconduct to end their silence and come forward.

Attached is the City's current Citywide procedure – HR. 16.04 Prohibited Discrimination and Harassment, adopted in December 2017, which addresses any form of harassment or discrimination based on race, color, sex, age, national origin, disability, religion, genetic information, marital status, political affiliation, sexual orientation, gender identity, or familial status. Further the procedure is broad and recognizes that harassment can occur in the digital environment as well. The procedure centralizes filing of complaints with the Human Resources Director. If another line supervisor or department manager receives a complaint, they must immediately forward the complaint to Human Resources. The procedure also guarantees non-retaliation for filing or assisting in the investigation of a complaint. Finally, the procedure clearly notes that the effects on employment, if found to have engaged in harassment or discrimination, is disciplinary action up to and including termination.

ANTI-SEXUAL HARASSMENT TRAINING

To train employees and prevent possible incidents, the City utilizes an e-learning system that provides for managing, deploying and tracking online training which is accessible to staff 24/7 via a web browser. Course offerings include the following required self-paced courses: Sexual Harassment, Diversity, Ethics, Ethics Regulatory, Service Excellence, Teambuilding, Orientation and a host of optional material steered towards personal and professional growth. The elearning platform has been well received and continues to provide team members with information necessary to perform well. Attached is a list of courses and the number of employees completing the courses in FY15, FY16 and FY17.

Each course should be taken within 10 days after hire and must be taken according to the course refresher frequency. The refresher frequency is as follows:

- Sexual Harassment – every 2 years
- Diversity - every 3 years
- Ethics – every 2 years
- Ethics Regulatory – one time
- Customer Service Excellence - every 3 years
- Teambuilding – every 5 years
- New Hire Orientation – one time

Sexual Harassment training has four modules and covers the following:

Module 1:

- Definitions of Sexual Harassment

- Recognize unacceptable and uncomfortable behavior
- Policies and the law
- Different types of harassment and the warning signs

Module 2:

- Understand different types of sexual harassment: Quid Pro Quo and Hostile Work Environment
- Better understand how ‘perception’ impacts harassment issues: Is it or isn’t it
- Video vignettes to aid understanding

Module 3:

- Why people harass
- Why people do not report harassment
- City of Miami Beach reporting process
- City of Miami Beach harassment complaint procedure
- City of Miami Beach reporting process
- City of Miami Beach harassment complaint procedure

Module 4:

- What you can do if you observe or experience sexual harassment
- How to prevent sexual harassment in your workplace
- Appropriate behaviors

The city-wide sexual harassment employee training plan is attached.

CONCLUSION:

It is the intent of the City of Miami Beach to create a culture where employees feel safe and respected free of any type of discrimination or harassment based on actual or perceived race, color, sex, age, national origin, disability, religion, genetic information, marital status, political affiliation, sexual orientation, gender identity, or familial status. It is in the City’s best interest to revise procedures to reflect the changing harassment law and to have the necessary authority and power to ensure compliance. Additionally, the City must ensure that effective and timely sexual harassment training is provided to all City employees and that there are written procedures in place on how to conduct sexual harassment investigations. It is a goal to ensure that the City is fostering an inclusive workplace, in which all employees feel safe and valued.

ATTACHMENTS:

Description	Type
☐ eLearning Courses and Participants	Other
☐ Citywide Training Plan	Other
☐ Mami Herald Article	Other
☐ Citywide Procedure HR.16.04	Other

City of Miami Beach eLearning Courses and Participants.

Fiscal Year	Sexual Harassment	Diversity	Ethics	Ethics Regulatory	Service Excellence	Teambuilding	Orientation
FY 15	1,042	819	9	-	385	400	-
FY 16	755	955	747	634	540	399	446
FY 17	1,265	941	1,153	630	1,149	391	772
Total	3,062	2,725	1,909	1,264	2,074	1,190	1,218

Citywide Training Plan

• Our Mission

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

• Our Vision

The City of Miami Beach will be: Cleaner and Safer; Beautiful and Vibrant; a Unique Urban and Historic Environment; a Mature, Stable Residential Community with the Well Improved Infrastructure; a Cultural, Entertainment Tourism Capital and an International Center for Innovation and Business; while Maximizing Value to our Community for the Tax Dollars Paid.

	Required frequency of Refresher				
	One Time	Annual	2 yrs	3 yrs	5 yrs
Required Courses: All Personnel					
Orientation	x				
Ethics Regulatory	x				
Diversity				x	
Sexual Harassment			x		
Team Building					x
Service Excellence Customer Service Standards				x	
Ethics			x		
Frontline Mandatory Courses					
Employee Academy					x
Supervisory Mandatory Courses					
Supervisor Core Curriculum (see below)	x				



BUSINESS MONDAY

Wave of sexual misconduct is a wake-up call for employers on workplace policies

BY LARRY S. PERLMAN
Special to the Miami Herald

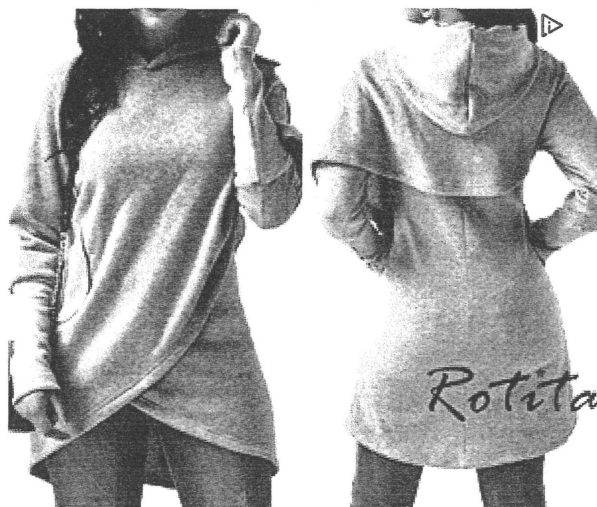
DECEMBER 03, 2017 10:00 AM

UPDATED DECEMBER 03, 2017 11:17 AM

From Silicon Valley to Hollywood to Washington, D.C., allegations of workplace sexual harassment and assault are in the headlines daily and have ended the careers of numerous high-profile executives and politicians. Last month, the “Me Too” hashtag prompted thousands of women and men to take to social media and share stories of sexual harassment and assault.

Closer to home, Florida’s Democratic Party Chair Stephen Bittel stepped down and Republican State Senator Jack Latvala is under investigation as a result of high-profile sexual harassment accusations.

If there is a lesson to be learned from the recent wave of high-profile claims, it is that sexual misconduct allegations are bad for a company's employees, its bottom line, its reputation, and its corporate culture. Simply put, now is not just a good time — it is an essential time — for employers to review their workplace harassment policies and procedures to ensure that they are updated to a 21st century standard.



Following is some practical compliance advice and recommendations as to what you should be doing to ensure that your company stays ahead of the concerns that are rocking America.

Breaking News

Be the first to know when big news breaks

Enter Email Address

SIGN UP

Understand the law: Not all workplace harassment is illegal. Rather, workplace harassment is typically actionable if it is based on a protected classification. Under federal law, age, race, color, ethnicity, religion, national origin, genetic information, gender, pregnancy, disability status, and veteran status, among others, qualify an employee for a potential workplace harassment claim.

Florida law protects several additional categories, such as marital status, AIDS/HIV status, and sickle cell trait. And many localities, such as Miami-Dade, Broward, and Palm Beach Counties offer additional protections, including for sexual orientation or gender identity.

Elements of an effective workplace harassment policy: Your workplace harassment policy should describe what harassment is, and explain that harassment is neither tolerated nor condoned in the workplace — by anyone, regardless of title or position. And it should provide a mechanism for reporting harassment without fear of retaliation.

The best policies provide workers with multiple routes to voice complaints when confronted with harassment or retaliation. Depending on the size of your organization, identify at least two individuals (ideally of different genders) so that employees have options in reporting their experiences. Consider supplementing your reporting processes with a complaint hotline, giving employees yet another avenue to raise concerns.

Additionally, consider how other company policies may impact your efforts to combat workplace harassment. For example, it is important to review your technology policies to ensure that the company's non-harassment policies extend to use of employer-provided email or devices. And, confirm that the company has a right (but not an obligation) to review and access any messages or information transmitted on company systems.

Spread the word: Conduct effective training. Effective communication and training on the policy should occur at least annually. The training should be in real time (either in person or virtually) to ensure that participants have the opportunity to raise complicated questions. And, it should be given to everyone in the company — at all levels. In other words, it should be treated as an important and mandatory aspect of employment at the company and should have the support of the very top employees in the organization.

Conduct effective investigations: Harassment investigations can be conducted in a variety of manners, utilizing both in-house and outside resources.

The key is to ensure that you are proactive and have a written investigation protocol in place, explaining which individuals or departments have responsibility for investigation and how outcomes are reported. The day after your company receives a complaint is not the time to ask yourselves “so, how should we handle these type of complaints?”

Importantly, “no one is above the law,” and the investigative team cannot be unduly influenced by those being investigated. If the alleged harasser is someone with significant authority within the organization, it may be more prudent to involve outside resources for the investigation.

Walk the walk: Policies without action are not sufficient: The best-drafted policies are meaningless if they sit gathering dust on a shelf or are accessible via an intranet link that nobody clicks. Decision-makers in your company, starting with the board of directors and its executive officers, must take corrective action and all steps necessary (including termination) to ensure that misconduct in violation of your policies does not recur. Cover-ups and payoffs do not set the proper tone.

One way to foster accountability for high-level employees is to review the “Cause” provisions in executive and other employment agreements. Ensure that violation of sexual harassment policies constitutes a “for Cause” termination and require executives to indemnify the company if there are proven allegations of sexual harassment or assault. These actions can help avoid a situation where a C-suite manager who is accused of or even admits to harassment, walks away with a huge severance payment.

Be proactive, not just reactive: In addition to anti-harassment training, strive for an inclusive workplace culture in which women are equally represented at the highest levels of your business. Review your company’s diversity and inclusion training programs and policies and, as with harassment, make sure your company “walks the walk” when it comes to fostering an inclusive workplace, in which *all* employees feel safe and valued.

As the renewed focus on workplace harassment demonstrates, harassment is still a problem in American workplaces. Workplace harassment is detrimental: It can affect the company’s bottom line, reputation, employee recruiting and retention

efforts, and the ability to attract, secure and maintain clients and business. Taking those steps necessary to ensure that unlawful (and all other forms of) harassment is not occurring in your workplace is simply good business.

- *Larry S. Perlman is a senior counsel and litigation lawyer with Foley & Lardner LLP's Miami office. He advises clients on a wide array of personnel-related matters involving compliance with federal and state labor and employment laws. He may be reached at lperlman@foley.com.*
- *The views in this article are the writer's and do not necessarily reflect those of The Miami Herald and Business Monday, for which this article was written.*
- *Have a 'My View'? If you have a point of view on a business topic you would like to share, consider writing about it for Business Monday. Pitch your idea to rclarke@miamiherald.com. Guidelines: Submissions should be around 600 words; should state a topic clearly, with supporting examples; and use examples drawn from South Florida. They should also be accompanied by a photo of the writer, emailed as a jpeg. 'My View' submissions that are accepted are published as space allows.*

IN OTHER NEWS

First Baby Born in US from Uterus Transplant...

MIAMI BEACH CITYWIDE PROCEDURE	DATE ISSUED: DECEMBER 2017	Page: 1	SEQUENCE
	DATE UPDATED:	Of: 4	NUMBER: HR.16.04
	SUBJECT: PROHIBITED DISCRIMINATION AND HARASSMENT		
RESPONSIBLE DEPARTMENT: HUMAN RESOURCES			

PURPOSE

It is the intent of the City of Miami Beach to ensure a workplace for its employees that is free of any type of discrimination or harassment based on actual or perceived race, color, sex, age, national origin, disability, religion, genetic information, marital status, political affiliation, sexual orientation, gender identity, or familial status. The City complies with Title VII of the Civil Rights Act of 1964 as amended (1991), Title I of the American with Disabilities Act of 1990 as amended (2009), as well as other applicable federal, state, and county laws and regulations prohibiting discrimination and harassment.

Decisions and practices based on an individual's protected status (e.g., race, color, sex or the other categories listed above) that unlawfully affect employment and/or the compensation, terms, conditions or privileges of an individual's employment or potential employment with the City are prohibited by this administrative procedure. This includes unlawful employment decisions, actions, policies or practices regarding job advertisements, recruitment, applications, testing, hiring, job referrals, work assignments, promotions, pay and benefits, working conditions, performance evaluations, transfers, discipline, discharge, constructive discharge, dress code, employment references, reasonable accommodations for disability or for religion, training and apprenticeship opportunities, and any other terms and conditions of employment.

The City of Miami Beach soundly protects its employees from discrimination, harassment, or intimidation of any kind by any supervisor, co-worker, vendor, client, customer, or volunteer. The City expects its employees to display tolerance and inclusion when interacting with people different from themselves. The City will investigate any claims of violation of these principles thoroughly, fairly, and without reprisal. **Discrimination and harassment are considered misconduct and are unacceptable behavior that will not be tolerated. Violations of this administrative procedure will be a cause for disciplinary action up to and including termination.**

DEFINITIONS

Harassment:

All employees are entitled to perform their work in an environment free from illegal harassment, either overt or covert, regardless of race, color, sex, age, national origin, disability, religion, genetic information, marital status, political affiliation, sexual orientation, gender identity, or familial status. Any conduct that has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment based on any of the above-mentioned protected criteria is prohibited. Forms of harassment may include, but are not limited to, the use of vulgar language, abusive acts or language, hostility, physical aggression, intimidation, or unequal treatment. Further, no person shall be subjected to any derogatory remarks, epithets, jokes, slurs, cartoons, drawings, symbols, pictures, photographs, publications, internet websites, videos, emails, text messages, demeaning gestures or language relating to above listed protected characteristics.

MIAMI BEACH CITYWIDE PROCEDURE	DATE ISSUED: DECEMBER 2017	Page: 2	SEQUENCE
	DATE UPDATED:	Of: 4	NUMBER: HR.16.04
	SUBJECT: PROHIBITED DISCRIMINATION AND HARASSMENT		
RESPONSIBLE DEPARTMENT: HUMAN RESOURCES			

Sexual Harassment:

No employee, either male or female, shall be subjected to unsolicited and unwelcome sexual overtures or conduct, either verbal or physical. The federal government has created guidelines which define sexual harassment as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: (1) submission to the conduct is either an explicit or implicit term or condition of employment; (2) submission to or rejection of the conduct is used as a basis for an employment decision affecting the person rejecting or submitting to the conduct; or (3) the conduct has the purpose or effect of sufficiently interfering with an affected person's work performance or creating an intimidating, hostile, or offensive work environment.

Specifically, it is a violation of this administration procedure for any employee to sexually harass another employee by making acceptance of unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature a condition of an employee's continued employment; making submission to or rejection of such conduct the basis for employment decisions affecting the employee; or creating an intimidating, hostile or offensive environment by such conduct. Examples of inappropriate conduct include: remarks of a sexually suggestive nature, sexual innuendo, propositions, offensive jokes, staring, ogling, leering, whistling, unnecessary touching, patting, hugging, brushing against a person's body or blocking normal movement. These are merely examples of inappropriate conduct; it is not an all-inclusive list.

Applicants/employees with disabilities:

Discrimination against a person based on the person's actual or perceived disability, record of disability or relationship with a person with a disability will not be tolerated by the City. The City will take appropriate action to provide reasonable accommodations to qualified employees and applicants with known disabilities, unless providing such accommodations creates an undue hardship. Employees with disabilities have a responsibility to inform the Human Resources Department regarding their requests for reasonable accommodations to improve their access to employment opportunities.

All questions, comments or complaints regarding access of qualified individuals with disabilities to the application process or employment, or alleged discrimination in employment, based upon a qualified applicant's or employee's disability or relationship or association with a person with a disability should be directed to the Human Resources Director.

MIAMI BEACH CITYWIDE PROCEDURE	DATE ISSUED: DECEMBER 2017	Page: 3	SEQUENCE
	DATE UPDATED:	Of: 4	NUMBER: HR.16.04
	SUBJECT: PROHIBITED DISCRIMINATION AND HARASSMENT		
RESPONSIBLE DEPARTMENT: HUMAN RESOURCES			

DUTY TO REPORT

All employees of the City of Miami Beach are responsible for ensuring that discrimination, harassment and retaliation do not occur in the workplace. Any employee who believes he or she has been subjected to any action, decision or harassment in violation of this administrative procedure or who observes such conduct, is urged to promptly report the incident(s) to the City's Human Resources Director as described in the reporting procedures below. Supervisors, managers, or human resources personnel who receive EEO complaints, or who otherwise become aware of any improper harassment or discrimination, must notify the Human Resources Director immediately. Any supervisor or manager who has knowledge of such behavior yet takes no action to end it is also subject to disciplinary action.

PROCEDURE

1. Any employee subjected to unlawful discrimination, harassment and/or retaliation should immediately make a complaint to the Human Resources Director. In the event that the complaint involves the Human Resources Director the complaint should be made to the Assistant City Manager who oversees Human Resources.
2. An employee who believes that this administrative procedure has been violated may report the incident orally or in writing. Where the complaint is taken orally, the Human Resources Director shall document the complaint.
3. Investigation: All complaints will be investigated in a fair, thorough and timely manner. Depending on the nature of the complaint, an investigation of a complaint will normally include conferring with the parties involved and any named or apparent witnesses. However, upon completion of the investigation and a determination as to what, if any, remedial actions must be taken, both the complainant and the alleged harasser/discriminator will be informed as to the outcome of the investigation.
4. Remedial Action: If the investigation reveals that the complaint is valid, prompt and appropriate remedial actions will be taken to stop the discrimination or harassment immediately and to prevent its recurrence. When discrimination or harassment is established, appropriate disciplinary action, up to and including termination may be taken.
5. Confidentiality: Every attempt will be made to deal with each complaint in as confidential a manner as possible within the confines of undertaking the investigation. Anyone involved in the investigation of a complaint will be instructed that the investigation is confidential and should not be discussed with co-workers. Workplace gossip or "water cooler talk" about the complaint is strictly prohibited.
6. False Accusations: The City recognizes that false accusations of discrimination and/or harassment can have serious effects on innocent individuals. If any employee

MIAMI BEACH CITYWIDE PROCEDURE	DATE ISSUED: DECEMBER 2017 DATE UPDATED:	Page: 4 Of: 4	SEQUENCE NUMBER: HR.16.04
	SUBJECT: PROHIBITED DISCRIMINATION AND HARASSMENT		
	RESPONSIBLE DEPARTMENT: HUMAN RESOURCES		

knowingly makes a false accusation of discrimination or knowingly provides false information in the course of an investigation of a complaint, such conduct may be grounds for discipline. A complaint made in good faith, even if found to be unsubstantiated, will not be considered a false accusation.

7. **Withdrawal of Complaint:** A complaint of discrimination may be withdrawn at any time by the person who filed the complaint. In some instances, the Human Resources Director will find it appropriate to end the investigation when the complaint is withdrawn. However, prior to ending an investigation, the Human Resources Director must determine whether the City should take corrective action to address inappropriate conduct. If the Human Resources Director determines that corrective action is required, it may be necessary for the Human Resources Director to continue the investigation or recommend action to remedy inappropriate behavior.

The City encourages any employee to raise questions he or she may have regarding discrimination and harassment to the City's Human Resources Director.

All employees shall be protected from coercion, intimidation, retaliation, discrimination and/or harassment for filing a complaint of discrimination or harassment; assisting an employee filing such a complaint; being related to or otherwise associated with an employee filing such a complaint; or for assisting in an investigation of a complaint of discrimination or harassment. Any employee engaged in retaliation against a complainant, an employee who assisted or who is related to or otherwise associated with a complainant, or any employee who assisted in an investigation, will face appropriate disciplinary action up to and including termination.

Prepared by:

Director, Human Resources

Reviewed by:

Internal Auditor

Assistant City Manager

Approved by:

City Manager

Date

12/18/17

MIAMI BEACH

COMMITTEE MEMORANDUM

TO: Neighborhood/Community Affairs Committee Members

FROM: Jimmy L. Morales, City Manager

DATE: January 24, 2018

SUBJECT: DISCUSSION REGARDING ENHANCING NORTH BEACH THROUGH CREATIVE FINANCING

HISTORY:

The item to discuss the creation of a community redevelopment agency (CRA) and creative funding options for North Beach was dually referred to the Neighborhoods/Community Affairs Committee and the Finance and Citywide Projects Committee at the December 3, 2017 Commission meeting.

The creative funding options for North Beach would allow the City to further fund and execute on many of the activities and designs recommended in the North Beach Master plan. The North Beach master plan was created to design an economic and revitalization strategy for the North Beach district of Miami Beach. The plan put forth five priority areas to spur economic activity: create a town center, provide more mobility options, Protect and enhance neighborhoods, better utilize public lands, and build resilient infrastructure. The Commission approved the recommendations put forth in the plan and has made it a priority of the City.

Community Redevelopment Agency

The City of Miami Beach has had two CRA's. The South Pointe CRA was active between October 1, 1987 and October 31, 2006. Taxable values in the South Pointe CRA increased from \$59 million when the district was established in 1976 to almost \$2.5 billion as of January 1, 2005.

In 1993, the City of Miami Beach designated a second CRA, commonly known as City Center. This area includes the Convention Center, Lincoln Road, the Loews Miami Beach Hotel, the Royal Palm Crowne Plaza Resort Hotel, and the Collins Park Cultural Center. The County approved and entered into an Interlocal Cooperation Agreement, by which the County delegated to the City certain redevelopment powers granted by the Act. The Miami Dade County Commissioners also approved an amendment to the Interlocal Agreement to delegate to the City the power to implement the community policing initiatives. In 2014, the Interlocal Agreement was further amended to provide \$275 million in financing for the Miami Beach Convention Center Renovation and Expansion Project. As part of this amendment, the expiration date of the RDA was extended from 2023 to 2044 or when the existing debt is paid off, whichever is earlier. Taxable values in the City Center CRA increased from \$292.6 million when the district was established to \$5.7 billion as of January 1, 2017.

The year-end audited fund balance for excess RDA trust fund revenues in FY 2015/2016 was \$19.5 million. Pending the year-end close-out for FY 2016/2017, the City estimates that the balance of RDA trust dollars was be approximately \$34 million. The City has approved a fourth amendment to the RDA which would provide funding for the August 2017 "rain-bomb" and Hurricane Irma impacts on the Convention Center, as well as provide for disbursement of the year-end surplus revenues. The fourth amendment is pending approval by

ANALYSIS:

Community Redevelopment Agency

The creation of a Community Redevelopment Agency is governed by Florida Statute 163.410. The requirements to establish a CRA can be found below:

1. Under Fla. Stat. 163.410, the City has no authority to create a CRA, as exclusive authority to create CRAs is vested with home rule counties. If the County agrees to create a CRA, the County Commission could delegate to the City certain of its redevelopment powers at its discretion (and set limits on that delegation, in an Interlocal Agreement), but the County has no obligation to delegate its CRA powers.
2. Due to the above, the County Commission would take the first official step to declare a geographic area a blighted area, per the "findings of necessity" requirements of Fla. Stat. 163.355.
1. In that initial County Commission approval, the County would delegate to the City certain redevelopment powers, namely the authority to:
 - a. Make detailed "findings of necessity" and determine an area to be a slum or blighted area;
 - b. Create the CRA and its composition*; and
 - c. Permit the CRA to initiate and adopt a Redevelopment Plan for how the CRA will address the conditions of blight, with all of the above subject to final County Commission approval.

**One policy consideration in the above is whether the CRA composition will be limited to the members of the City Commission (plus the County Commissioner for the City's district 5), or whether composition would include any external appointees. Recent Miami-Dade County policy has required that at least one member be a County Commissioner whose district represents the area.*

1. Once the CRA approves the Redevelopment Plan and submits it to the County for its final approval, the County would also approve an Interlocal Agreement with the City and the new CRA, which would further delegate additional powers (and limits) of the CRA and use of the CRA's tax increment revenues (or "TIF" funds, discussed more fully below), including approval of specific projects, budget matters, the percentage of TIF contributions* to be made by each taxing authority, the term of the CRA (initially limited to 30 years), and distribution of revenues to the contributing taxing authorities if projects cannot be fulfilled, among other terms.

*Although the CRA statute permits up to 95% of the annual increment in the tax base within a CRA to be dedicated for CRA purposes (as is the case with the City Center CRA), more recently Miami-Dade County has favored the creation of 50% TIFs, whereby only 50% of the annual increment in the tax base is dedicated for CRA purposes.

2. Both County and City would then need to create a Trust Fund ordinance for deposit of TIF revenues for the life of the CRA, pursuant to Fla. Stat. 163.387.

Demographic Information Re: North Beach

Below is a set of statistics outlining the North Beach community, many of which align with the criteria set forth by the CRA statute:

- Median age: 41.8, population size about 29,392
- 59.6% renter occupied. The percent of owners to renters for North Beach is 21.1% vs 59.6%. The

ratio is opposite to the national trend which is 64.9% owners vs. 35.1% renters

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- More than a quarter of residents, 27.3% are renters who earn between \$25,000-\$35,000.00
- Per capita income in North Beach is estimated at \$22,253, compared to \$46, 011 for the rest of Miami Beach
- Median household income in North Beach is estimated at \$28,848, compared to \$43,427 for Miami-Dade and \$38,410 for the rest of Miami Beach
- 44.1% of individuals live below poverty level in North Beach
- Vacancy rate for rental space as of Fall 2016 is estimated at 9.3% compared to 3.4% for Miami Dade County and 5.1% for Miami Beach
- Retail sales per capita is estimated at \$5,552 in North Beach, compared to \$12,759 for Miami-Dade, and \$26,522 for the rest of Miami Beach

(Data from the North Beach Master Plan, Source: Goodkin Consulting, 2016)

Tax Increment Revenues/Financing

Tax increment revenues (referred to as TIF or Tax Increment Financing) is defined as the difference in the amount of ad valorem taxes generated by the tax levied each year on the taxable property contained within the CRA boundaries, from the amount that would have been generated by the levy of the same millage rate on the taxable property within the CRA area on the most recent assessment roll prior to the effective date of the ordinance creating the tax increment area.

Essentially, the dollar value of all real property in the CRA boundaries is determined as of a fixed date, also known as the “frozen value.” The City and County continue to receive property tax revenues up to the amount of the “frozen value,” for their general fund purposes. However, any increases in tax revenues above the “frozen value,” (i.e., the increment due to increases in real property values), are deposited in the CRA trust fund and dedicated to CRA purposes for the life of the CRA.

For Example Assuming:

A 50% Tax Increment CRA

Taxable Value At time of Creation of Redevelopment District of \$8B

A City Tax Rate at 6 Mills

County Tax Rate at 5 Mills

Increases in Taxable Value of 5% per year

Taxable Value at Year 2 \$8.4B

Tax Increment of \$400M

Year 2 CRA City Tax Increment Revenue ($\$400\text{M}/1000 \times 6 \times 50\%$)	\$1,200,000
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Year 2 CRA County Tax Increment Revenue ($\$400\text{M}/1000 \times 5 \times 50\%$)	<u>\$1,000,000</u>
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Total Revenue available Year 2 for CRA	\$2,200,000
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Taxable Value Years 3 through 10

Year 3 \$ 8.82B

Year 4 \$ 9.26B

Year 5 \$ 9.72B

Year 6 \$10.21B

Year 7 \$10.72B

Year 8 \$11.25B

Year 9 \$11.81B

Year 10 \$12.40B	
Tax Increment I Year 10 \$4.40B	
Year 10 CRA City Tax Increment Revenue ($\$4.40B/1000*6*50\%$)	\$13,200,000
Year 2 CRA County Tax Increment Revenue ($\$4.40B/1000*5*50\%$)	<u>\$11,000,000</u>
Total Revenue available Year 10 for CRA	\$24,200,000

This example demonstrates how quickly the growth in property tax increases can compound.

Please note that the taxable value in the example is for ease of estimate only. Based on the Property Tax Roll as of January 1, 2017, the taxable value for North Beach (defined as the 33141 zip code) is \$7.96 billion. By comparison, the January 1, 2017 taxable value for the entirety of the City of Miami Beach, estimated as of July 1, 2017, was \$37.4 billion. The taxable value for the City Center CRA, and the area of the prior South Pointe CRA, in the same time frame, were \$ \$5.4 billion and \$5.9 billion, respectively.

If the CRA wanted to generate funds for capital projects by issuing \$100 million worth of bonds, this would require annual debt service roughly estimated at \$7 million. However, since bonds cannot be issued based on projected revenues, the City would need a Covenant to Budget and Appropriate, or another pledged revenue stream, to demonstrate proceeds in the early years, and the City would have to come up with funds to pay debt service from other sources if the growth does not occur. Since it will take some time to generate the increment, the bonds would be shorter unless the City would take the risk early on for the projected revenues. A conservative annual debt service number of \$7 million is based on 28 year debt service at 5.00%.

Non-Ad Valorem (Special Assessments)

This is a revenue source derived from real property receiving a "special benefit" from the services or facilities being funded by the assessment proceeds. As a general matter, the improvements need to confer a specific benefit on affected property owners that is different in type and degree from the general benefits conferred on the community as a whole (i.e., undergrounding of utilities in a designated area confers a special benefit to the affected properties).

Special assessments are governed by Chapter 170 of the Florida Statutes, and may only be levied on the properties that receive a benefit, at a rate of assessment that is based on the special benefit accruing to such property from the proposed improvements. The rate of assessment must be fairly and reasonably apportioned among the affected property owners consistent with the special benefit provided.

The process for creation of special assessment districts depends on the projects to be funded by the special assessment proceeds. For example, the statute provides that special assessments levied to fund certain projects, such as parking garages or mass transportation systems, may only be approved by vote of a majority of the affected property owners. Other projects, such as right-of-way projects, water/sewer projects, underground utility projects, seawall projects, and park/recreational facility projects, may be approved by the City Commission.[1]

If an election of the affected property owners is required utilized, the process for creating a special assessment district typically takes approximately six (6) months following adoption by the City Commission of the initial resolution and preliminary assessment roll, due to the number of Commission actions and statutory notice periods involved, including (1) publication of the initial resolution for a period of two weeks; (2) adoption of a City Commission resolution calling for a special election of affected property owners (either by in person or mail-in vote of the affected property owners); (3) publication of the notice of the election for a minimum of at least thirty (30) days in accordance with Section 100.342 of the Florida Statutes; (4) adoption of City Commission resolution certifying the election results; (5) adoption of resolution setting forth the final date for a public hearing on the final assessment roll, with at least thirty (30) days' notice of the public hearing (by mail and in newspapers of general circulation); and (6) adoption of the final resolution and final assessment roll.

If approved, special assessments for capital projects cannot be levied or collected until *after* completion of the capital project.

City Created Tax increment financing (TIF) District

Although not commonly utilized, there is precedent in Florida for a tax increment structure that would be limited to the contribution of the City's ad valorem increment revenues relating to a particular area/district, and which would not involve the revenues of the County or any other taxing authority (a "City TIF District").

As the City has not, to date, established a City TIF District, the first step in the process would be the adoption of an ordinance creating the general requirements and criteria for creation of a City TIF District (i.e., to establish the conditions and findings required for creating a City TIF District, to require a redevelopment plan [similar to a CRA] outlining the projects that will be funded with City TIF proceeds, and to establish parameters that balance the impact that City TIF District would have on the growth of the City's general fund over time).

Following creation of an ordinance to establish requirements for City TIF Districts in general, a City TIF District for a specific area would then be created by resolution or ordinance (if required to create a TIF trust fund), for a specified period of time, and the TIF revenues would automatically flow each year for projects within the City TIF District. If a City TIF District is created, one important consideration is with respect to the issuance of bonds. If the issuance on bonds (or pledge of revenues for capital payments to a third party) related to a City TIF District implicates a pledge of ad valorem revenues, approval by a majority of the voters in a City-wide referendum would be required for the issuance of such bonds in the same manner as required for the issuance of a General Obligation Bond.

Revenue or Millage Dedication Equivalent to TIF

This option, providing for dedicated revenues as part of the City's annual budget process, provides an alternative to dedicate ad valorem revenues for a specific purpose. A "dedicated revenue" approach may be created by policy of the City Commission, whereby the Commission passes a resolution that all or a portion of property tax revenue growth in North Beach would be separately identified in the budget process, and allocated during the budget process for North Beach projects.

One alternative under such a scenario may be to only dedicate the portion of the property tax revenue growth estimated to be generated from the recently passed Floor Area Ratio (FAR) increase for the North Beach Town Center, with the remainder of growth in property taxes revenue growth generated from North Beach continuing to go to the City's General Fund.

The Planning Department estimates that all of the parcels within the North Beach Town Center area have a combined area of 983,838 SF and at an FAR of 3.5 that would amount to 3,443,433 SF of floor area. Estimating the maximum FAR prior to the referendum is more difficult because the FAR on TC-1 lots varies based on the lot size, but Planning has provided a rough estimate between 1.1 and 1.2 million square feet.

Further, the amount of these revenues could be converted to an equivalent dedicated millage rate at some point in time, which would provide a dedicated funding source going forward.

Business Improvement District (BID)

As with special assessments, BIDs are also governed by Chapter 170 of the Florida Statutes. A BID may only be created by vote of a majority of the affected property owners. A BID is a defined area in which businesses are required to pay an additional assessment or levy in order to stabilize and improve the district by funding promotional efforts, management, marketing and similar services within the district's boundaries.

Notably, the City recently created the Lincoln Road BID, which was passed in 2015 to stabilize and improve the Lincoln Road retail business district through promotion, management and marketing. The annual levy collected, based on the assessments of the businesses in the district, total in the amount of \$1,426,237.00 per year.

Properties that front Lincoln Road are assessed at the rate of two dollars per square foot of the lot size, based on the size of the ground floor only. Properties without Lincoln Road frontage are assessed at the rate of twenty centers per square foot of the lot size, based on the size of the ground floor only. Importantly, as bond issuances are intended for capital projects, and as BIDs are limited to funding marketing-related services, Chapter 170 provides that a municipality is not authorized to issue bonds to fund ongoing operations of a BID.

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Other Considerations

The City's General Fund is the financial entity that funds basic municipal services such as Police, Fire, Emergency Management, Parks and Recreation, Planning, Community and Homeless Services, and general administrative support. Historically, the City's General Fund budget has grown between 5 to 8 percent annually. This is funded by projected tax revenue increases due to growth in property tax values, in addition to growth in other revenues.

Accordingly, in order to preserve the financial stability of the General Fund, if a tax increment, CRA, or dedicated millage option is selected, it is generally recommended that only a portion of property tax revenue growth be diverted to other programs, to balance the associated impacts such options would have on the General Fund.

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[1] With respect to special assessment districts for undergrounding of utilities (such as for Sunset Island 3 and 4), the City Commission established certain self-imposed requirements as a matter of policy, in order to gauge local support for a proposed special assessment. Specifically, the City Commission adopted Resolution Nos. 2002-24761 and 2012-27842, providing that the City would only create a special assessment district for undergrounding of utilities if approved by a 60% vote of the affected property owners.

CONCLUSION:

Administration seeks direction from the Committee regarding the funding mechanisms. This item was additionally referred to the Finance and Citywide Projects Committee and is on the agenda for the January 20th meeting.

MIAMI BEACH

COMMITTEE MEMORANDUM

TO: Neighborhood/Community Affairs Committee Members

FROM: Jimmy L. Morales, City Manager

DATE: January 24, 2018

**SUBJECT: DISCUSSION REGARDING ECONOMIC INCENTIVES FOR SMALL AND
LEGACY OWNED BUSINESSES IN THE CITY OF MIAMI BEACH**

HISTORY:

This item was referred to the Neighborhoods and Community Affairs Committee from the January 17th Commission meeting to further discuss the City's current economic incentives and potential new ideas for supporting local small and legacy businesses.

ANALYSIS:

The City of Miami Beach is committed to investing and supporting the local small and legacy business community, and has a history of working with local businesses by issuing various incentives. Currently, the City waives concurrency fees and sidewalk café permit fees for North Beach establishments to help ease the financial burden for these businesses. Previously, the City received funds from the federal program, Community Development Block Grant, to support economic development and infrastructure improvements for small businesses. Staff is currently researching other incentive programs which may have historically been offered through the City to support small businesses and will present any further information at the Committee meeting.

During the March 17, 2017 Neighborhoods and Community Affairs Committee, Administration discussed a legacy business registry initiative. The purpose of such a program is to identify and recognize certain small businesses within a community as historic assets in order to preserve neighborhood character. Through this program, the City would make available grant funding that would be directed to property owners/landlords of declared legacy businesses (please find full project description and memo in the attachments). The Committee approved this item and requested it be discussed at the May 2017 Commission meeting. This item was deferred until further notice.

Currently, through the division of economic development, staff offers one-on-one business coaching sessions and informational meetings with current and prospected businesses upon their request. There is also a new business guide which presents the pathway for individuals to start a new business and navigate the City permit process (this resource is offered digitally and in print form). Additionally, through the new website several tutorials and resources have been made available to help inform the Miami Beach business community.

CONCLUSION:

Administration seeks direction from the Neighborhoods and Community Affairs Committee in regards to economic incentives to support local small and legacy businesses.

ATTACHMENTS:

Description		Type
❏	Draft Program Description	Memo
❏	Draft Legacy Business Commission Memo	Memo

ATTACHMENT 1

LEGACY BUSINESS PROGRAM

Definition

To be declared a Legacy Business in the City of Miami Beach the following criteria are recommended:

- 1) The business must have been located in the City for at least 30 years with no breaks in residency or existence, however, the business may have operated in more than one location within the City during this period.
- 2) The business must operate from an office, storefront or building that is open to the public with a BTR that is registered to the space from which the business operates.
- 3) The business must have contributed to the history of the City. This may include a business that is/was:
 - a. Immediately recognized and identified with the City of Miami Beach;
 - b. A central gathering place with a history of being the location for locals to share their community experiences;
 - c. A pioneering business that changed the City or a neighborhood for the better;
 - d. The location of a specific event or incident that helped to shape the City;
 - e. Has a history of supporting City residents, important City causes, and non-profit organizations that directly serve the residents and City of Miami Beach and/or the City has a whole.
- 4) The business is committed to maintaining the physical features or traditions that define the business, including craft, culinary, or art forms.
- 5) The business must be in good standing with the City having no outstanding violations or fines from the City nor any outstanding amounts owed to the City for any reason.

Nominating Process

Businesses must be nominated by the Mayor or a City Commissioner for inclusion on the registry. Except for the first year of the program, during which an unlimited number of nominations can be made to establish the program, nominations for inclusion on the registry will be limited to the first 20 nominations. Nomination does not guarantee inclusion on the Legacy Business Registry.

Businesses nominated will be reviewed based on the aforementioned criteria for their impact on and contributions to the City at a hearing held by the Legacy Business Advisory Board (LBAB) (this could be a new board or be an additional responsibility to the Historic Preservation Board or other existing board or committee of the City).

Except for the first year, when nominations will be considered throughout the year to establish the program, nominations shall be made by January 31st of each year for consideration and inclusion on the Business Registry. The LBAB shall meet as necessary to consider nominations and shall make its final recommendations as to which businesses should be included in the City of Miami Beach Legacy Business Registry to the City Commission no later than April 30th of each year. The City Commission shall be the final determiner as to inclusion on the Registry.

Businesses included on the City of Miami Beach's Legacy Business Registry shall receive notification of such and be granted the right to use their inclusion on the Registry in any and all advertisement and to post such at their place of business. The City Commission may choose to recognize each included business with a plaque, certification and/or proclamation.

RETENTION INCENTIVE PROGRAM

In the City's current economic climate, many otherwise successful, long-operating businesses are at risk of displacement, despite continued value to the community and a record of success. Additionally, the City has recently witnessed the loss of long-operating and well-respected businesses because of increased rents or lease termination. A major factor in these losses is that property owners have little incentive to retain longstanding tenants, a long-operating business that does not own its commercial space or have a long-term lease is particularly vulnerable to displacement.

An incentive program to assist Legacy businesses who do not own the commercial space they occupy and which might otherwise be in jeopardy of losing their location can be assisted through a Legacy Business Retention Incentive program.

The Legacy Business Retention Program would grant funds directly to the landlord of a Legacy Business to reduce the burden on the business, include the property owner in the importance of the business to the community, and insure there will be no significant changes in the way the Legacy Business physically interacts with the Community.

The Legacy Business and owner of the property/building where the business is located will be eligible to jointly apply for a grant up to an amount equal to \$4.50 per square foot of space occupied by the Legacy Business, but no more than \$5,000 per year per Legacy Business. This grant will continue each year until the business no longer qualifies as a Legacy Business or the City no longer funds the program. Payment under the grant shall be made directly to the property owner or the owner's designated property manager.

In order to receive the grant the Property Owner and Legacy Business must agree to a long term lease of at least 10 years and both parties need to agree that no changes will be made to the Legacy Business operation including a reduction in the leased square footage or reduction in the space in the business open to the public (i.e. no reduction in dining room space or sales floor area) without the express written permission of the City.

There will be two separate funds for incentives:

- 1) New Incentive Funds– this will be a dedicated amount to fund new grants in the fiscal year they are awarded for the first time. Once the fund was exhausted, no new grants would be awarded.
- 2) Continuing Incentive Fund – businesses that have already received funds from the program and are continuing to receive funding in a new fiscal year will be covered from this fund. In the event the amount awarded to all continuing businesses exceeds the amount budgeted in the fiscal year, all grants will be proportionally reduced to meet the amount available.

An application form will be created by the City requesting relevant information related to the incentive. The City Manager or his/her designee shall review the application for its accuracy

and report such to the LBAB. The LBAB shall certify the application prior to final award of the grant by the Mayor and Commission.

For continuing grants, the Legacy Business must reapply each year for the incentive by June 1st on an application provided by the City. Such application shall require information necessary to determine the continued eligibility of the business for inclusion on the Registry. The City Manager or his/her designee shall review the application for its accuracy and will inspect the business location for adherence to any conditions of the grant and for Legacy Business eligibility and report these findings to the LBAB for re-certification and approval by the City Commission.

COST

Funds would be required to implement the Incentive program. It is unlikely a significant number of businesses would be designated in the initial year or two of the program; as incentives are limited to \$5,000 per business, it would be anticipated that \$50,000 would cover grant obligations for the first year and \$100,000 would be appropriate in year two.

BACKGROUND:

Commissioner Grieco, at the City Commission's January 11, 2017 meeting, brought forward an item to discuss the creation of a Legacy Business Registry which was referred to the Neighborhood/Community Affairs Committee. The purpose of such a program is to identify and recognize certain small businesses within a community as historic assets in order to preserve neighborhood character.

Pioneered by the City of San Francisco, California, the Legacy Business program was designed to preserve neighborhood character by providing recognition and assistance to small businesses that were 30 years or older, have contributed to their neighborhood's history, and which agree to maintain their identity, name and craft.

The program was created in response to increasing property values within San Francisco that caused sharp increases in commercial rents. While these rent increases were difficult for all small businesses to absorb, residents and elected officials became increasingly concerned at the loss of long-time businesses that were closely identified with a particular neighborhood and key to the neighborhood's identity and character.

The San Francisco program utilizes a registry in which key small businesses (small business is defined as a business of 100 employee or less) are nominated to be included on the registry and go through a process of acceptance not unlike the designation of an historic property might. Once on the registry, the businesses are eligible for annual grants of \$4.50 per square foot occupied by the legacy business up to \$5,000 per business (if sufficient allocation does not exist in the dedicated fund for the program, grants are made on a prorated basis).

An additional grant, available to the business, is also made available in the San Francisco program. This grant carries a one-time award up to \$500 per employee (up to 100 employees), to the business.

At their March 17, 2017 meeting, the Neighborhood/Community Affairs Committee heard the item and determined there was validity to assisting key businesses that have been a part of the City's history and that have helped to define the City. The Committee requested staff and Commissioner Grieco, as the sponsor, work together to better define a Legacy Business and then bring the item to the Commission. The result of the work is the suggested program that can be found as Attachment 1 to this memorandum.

Commissioner Grieco also shared a website and an article regarding this program as part of his initial discussion item. Information from these can be found as Attachment 2 of this memorandum and at the following websites:

<http://legacybusinesssf.com>

<http://www.curbed.com/2016/10/17/13291184/small-business-gentrification-historic-preservation>

ANALYSIS

San Francisco's program may be one of the only such programs in the nation designed to insure that such neighborhood defining businesses are given assistance based

entirely on their status as a long-standing business that has been demonstrated to be part of the City's history and fabric. The City of Miami Beach certainly has had or currently has businesses that residents, visitors and other would identify as those that help to identify a neighborhood or the City as a whole. Miami Beach is experiencing increasing values and thus increased commercial rents, however these increases are not quite as pronounced as in San Francisco. The one exception might be Lincoln Road where property values in the last few years have sharply increased and rents have placed the area on the list of one of the top ten most expensive streets to do business in the country. These rents are causing a transformation of Lincoln Road from smaller, mom-and-pop type stores and restaurants, to larger retail shops that are often a flagship store for a national or international chain. Increasing rents are of most concern to the restaurants on Lincoln Road. These restaurants are one of the major draws to the street and tend to drive the retail shopping.

It is possible to recognize key businesses and implement a program that may be advantageous without financial incentives. Designation of a business as a Legacy Business by the City may be a desired marketing tool and a way for the City to identify its defining businesses. To this end, it may be worth exploring creating the registry even if the Commission does not wish to contemplate implementing a grant program immediately.

AGE OF BUSINESSES

In an effort to make a determination of the number of businesses that might be eligible for such a program if it were created in Miami Beach, staff undertook a limited review of business tax receipt (BTR) data to determine the number of businesses that have existed in the City for more than 20 years. The review was a limited look at the number of businesses currently in existence that obtained a BTR (formerly called an Occupational License) more than 20 years ago. Initially located data only goes back 33 years ago to information beginning in 1983.

The following table shows the number of businesses obtaining a BTR for the first time in each of the years 1983 through 1997. The list includes active BTR information as of February 26, 2017 and it excludes BTR's for apartment buildings, condominiums, home based-businesses as they would not be considered for the Legacy Business List.

Year of Initial BTR	# of Businesses
1983	0
1984	7
1985	11
1986	9
1987	78
1988	17
1989	22
1990	32

Year of Initial BTR	# of Businesses
1991	27
1992	33
1993	35
1994	32
1995	31
1996	59
1997	58

The above table indicates that there are at least:

- 105 businesses in existence for more than 30 years (first BTR in 1987 or earlier)
- 236 businesses in existence for more than 25 years (first BTR in 1992 or earlier)
- 451 businesses in existence for more than 20 years (first BTR in 1997 or earlier)

While these numbers represent the universe of all businesses that could be considered for inclusion on a Legacy Business Registry, it would be anticipated that only a small number of them would actually meet the suggested criteria for inclusion of which tenure is only one consideration.

SUGGESTED PROGRAM

The suggested Miami Beach Legacy Business program requirements and potential incentive program can be found in Attachment 3 to this memorandum. It includes defined criteria that must be met in order to be included on the Legacy Business Registry such as tenure in the City, contribution to the City/neighborhood, pledge to continue the business as currently operating, and that the business be in good standing with the City. The process for inclusion takes the application through a board appointed by the Commission or it can be through an existing committee designated by the City Commission.

A Legacy Business Retention Incentive program is also suggested. Through this program, the City would make available grant funding that would be directed to property owners/landlords of declared Legacy Businesses. This funding and program follows the San Francisco model and funding limit per business allowing for \$4.50 up to \$5,000 per business on a continuous basis as long as the business exists or is under terms of the 10 year lease. Grants are based on the funding made available each fiscal year; when the total due to all businesses exceeds the allocated amount, the grants would be reduced in proportion to the amount available. The grant is paid directly to the property owner/landlord (to insure the funds were applied to their intended purpose and could not be diverted for another purpose by the business) after a joint grant application is submitted by the property owner/landlord and the Legacy Business owner and approved by the City Commission. The grant is only awarded where there has been a lease of at least 10 years executed and a pledge to not alter the space occupied by the business without prior City approval or a material change in the way the business operates.

Additional approval process and formal application procedures will still need to be more fully developed to meet the program requirements as may be approved by the City Commission.

CONCLUSION

The Administration seeks direction as to whether the Commission wishes to move forward with the suggested program. If the Commission is inclined to approve the program, staff would need to know whether to proceed as the program is suggested or are further refinements desired. Should the Commission wish to proceed with the Retention Incentive program, funding is required and funding limits would need to be set.

Should you have any questions regarding this item, please contact Jeff Oris at (305) 673-7577 x6186.

C: Kathie Brooks, Assistant City Manager
Eva Silverstein, Tourism, Culture and Economic Development Director
John Woodruff, Finance Director
Jeffrey Oris, Economic Development Division Director

MIAMI BEACH

COMMITTEE MEMORANDUM

TO: Neighborhood/Community Affairs Committee Members

FROM: Jimmy L. Morales, City Manager

DATE: January 24, 2018

SUBJECT: **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**

HISTORY:

ANALYSIS:

Discussion at Committee.

MIAMI BEACH

COMMITTEE MEMORANDUM

TO: Neighborhood/Community Affairs Committee Members

FROM: Jimmy L. Morales, City Manager

DATE: January 24, 2018

SUBJECT: **DISCUSSION REGARDING THE 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**

ANALYSIS:

Discussion at Committee.

ATTACHMENTS:

Description		Type
<input type="checkbox"/>	Senior Affairs Committee Commission Memo	Other
<input type="checkbox"/>	Senior Affairs Committee Ordinance	Other

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Raul J. Aguila, City Attorney
DATE: January 17, 2018

First Reading

SUBJECT: 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.

RECOMMENDATION

Pursuant to the request of Commissioner Michael Gongora, the above-referenced Ordinance is submitted for consideration on First Reading by the Mayor and City Commission at the January 17, 2018 City Commission meeting.

Legislative Tracking

Office of the City Attorney

Sponsor

Commissioner Michael Gongora

ATTACHMENTS:

Description

 [Ordinance](#)

ORDINANCE NO. _____

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.

WHEREAS, the opinions and insights of the City's senior citizens are valued by, and are of great importance to, the Mayor and City Commission who wish to obtain input from such citizens on issues and programs affecting the senior citizen community.

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

SECTION 1. That Section 2-190.11 through 2-190.14 of Article III of Chapter 2 of the Code of the City of Miami Beach is hereby amended as follows:

**CHAPTER 2
ADMINISTRATION**

* * *

ARTICLE III. AGENCIES, BOARDS AND COMMITTEES

* * *

DIVISION 18. ~~Reserved.~~ Senior Affairs Committee

Sec. 2-190.11. ~~Reserved.~~ Established; purpose.

There is hereby established the Senior Affairs Committee which is an advisory board of the City. The purpose of the Senior Affairs Committee is to provide senior citizen residents of the City with the opportunity to represent and articulate the needs of persons 55 years of age and older, to foster increased involvement in the affairs of City government by senior

citizen residents, and to provide recommendations to the Mayor and City Commissioners on issues and programs affecting the City's senior citizen population.

Sec. 2-190.12 Reserved. Powers and duties.

The Senior Affairs Committee shall have the following powers and duties:

- (a) To serve in an advisory capacity to the Mayor and City Commission with regard to issues and programs affecting the City's senior citizen population including, but not limited to, meal programs and transit issues.
- (b) To research, discuss, and formulate recommendations on issues, activities, programs, and concerns of senior citizens residing in the City.
- (c) To provide recommendations regarding existing or proposed legislation, ordinances, resolutions, and policies that impact senior citizen residents in the City.
- (d) To obtain input from other senior citizen organizations in the City and in other cities, counties, states, and countries to collaborate on shared issues and interests and to develop new ideas for senior citizen programs, activities, and initiatives.

Sec. 2-190.13. Reserved. Composition.

The Senior Affairs Committee shall be composed of fifteen (15) voting members as follows:

- a) Seven (7) direct appointments with the Mayor and each City Commissioner making one appointment.
- b) Eight (8) members shall be appointed as follows:
 - 1) An individual selected by the Board of Directors of UNIDAD of Miami Beach.
 - 2) An individual selected by the Board of Directors of Jewish Community Services of South Florida.
 - 3) An individual selected by the Board of Commissioners of the Miami Beach Housing Authority.
 - 4) An administrator selected by the Board of Trustees for Mount Sinai Medical Center who is not the Chief Executive Officer of Mount Sinai Medical Center.

- 5) A resident of Stella Maris House selected by the Board of Directors of Stella Maris House.
- 6) A resident of Rebecca Towers selected by the Board of Commissioners of the Miami Beach Housing Authority.
- 7) A resident of Council Towers North who shall be an at-large appointment by the City Commission.
- 8) A resident of Council Towers South who shall be an at-large appointment by the City Commission.

All members shall either be 55 years of age or older or have a demonstrated interest and involvement in senior citizen services, issues, activities, or facilities at the time of appointment.

Sec. 2-190.13. Reserved. Supporting Department.

The supporting department for the Senior Affairs Committee shall be the Office of Housing and Community Services.

SECTION 2. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same 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 Miami Beach City Code. 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 _____ day of _____, 2018.

PASSED AND ADOPTED this _____ day of _____, 2018.

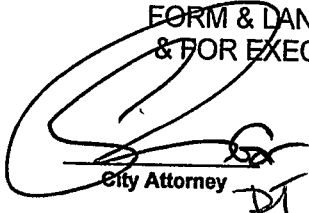
ATTEST:

Dan Gelber, Mayor

Rafael E. Granado, City Clerk

Underline denotes additions
~~Strikethrough~~ denotes deletions

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

1/9/18
Date

(Sponsored by Commissioner Michael Gongora)

MIAMI BEACH

COMMITTEE MEMORANDUM

TO: Neighborhood/Community Affairs Committee Members

FROM: Jimmy L. Morales, City Manager

DATE: January 24, 2018

SUBJECT: **DISCUSSION REGARDING THE RATIONAL RECOVERY PROJECT,
SPONSORED BY THE FREEZONE YOUTH SELF RESPECT AND SOUTH
BEACH SOBER COACH**

ANALYSIS:

Discussion at Committee.

ATTACHMENTS:

Description	Type
□ Rational Recovery Project Memo	Memo

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Commissioner Michael Gongora
DATE: January 17, 2018

SUBJECT: REFERRAL TO THE NEIGHBORHOOD/COMMUNITY AFFAIRS COMMITTEE TO DISCUSS
THE RATIONAL RECOVERY PROJECT, SPONSORED BY THE FREEZONE YOUTH SELF-
RESPECT AND SOUTH BEACH SOBER COACH.

ANALYSIS

Please place on the January 17 consent agenda, a referral to the Neighborhood/Community Affairs Committee to Discuss the Rational Recovery Project Sponsored by the Freezone Youth Self-Respect and South Beach Sober Coach. The program is geared for Miami Beach Senior High Students. Please feel to contact my Aide Diana Fontani Martinez for further details at extension 6722.

Legislative Tracking

Commissioner Michael Gongora

MIAMI BEACH

COMMITTEE MEMORANDUM

TO: Neighborhood/Community Affairs Committee Members

FROM: Jimmy L. Morales, City Manager

DATE: January 24, 2018

SUBJECT: **DISCUSSION DIRECTING STAFF TO ENHANCE NEXT YEAR'S HOLIDAY
DECORATION**

ANALYSIS:

Discussion at Committee.

MIAMI BEACH

COMMITTEE MEMORANDUM

TO: Neighborhood/Community Affairs Committee Members

FROM: Jimmy L. Morales, City Manager

DATE: January 24, 2018

SUBJECT: **DISCUSSION REGARDING POST ACTION ON HOLIDAY LIGHTING PROGRAM**

ANALYSIS:

Discussion at Committee.

MIAMI BEACH

COMMITTEE MEMORANDUM

TO: Neighborhood/Community Affairs Committee Members

FROM: Jimmy L. Morales, City Manager

DATE: January 24, 2018

SUBJECT: **DISCUSSION REGARDING THE MAINTENANCE AND UP KEEP OF THE PATIOS
AND RESTROOMS AT UNIDAD**

ANALYSIS:

Discussion at Committee.

MIAMI BEACH

COMMITTEE MEMORANDUM

TO: Neighborhood/Community Affairs Committee Members

FROM: Jimmy L. Morales, City Manager

DATE: January 24, 2018

SUBJECT: **DISCUSSION REGARDING TWO ISSUES IN THE NEIGHBORHOOD OF 3155 PRAIRIE AVENUE: 1. THERE IS NO SIDEWALK ON THE ENTIRE EAST SIDE OF THE STREET; AND 2. THE RUNNING BLUE HOSES SET UP THROUGHOUT THE STREET ARE CONTINUOUSLY POURING WATER ON THE STREET, CAUSING PUDDLES**

ANALYSIS:

Discussion at Committee.

MIAMI BEACH

COMMITTEE MEMORANDUM

TO: Neighborhood/Community Affairs Committee Members

FROM: Jimmy L. Morales, City Manager

DATE: January 24, 2018

SUBJECT: **DISCUSSION REGARDING MIAMI BEACH PAVER MEMORIAL PROGRAM**

ANALYSIS:

Discussion at Committee.