

MIAMI BEACH

Neighborhood and Quality of Life Committee

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

March 4, 2020 - 8:30 AM

Commissioner Micky Steinberg, Chair

Commissioner Steven Meiner, Vice-Chair

Commissioner Michael Góngora, Member

Commissioner David Richardson, Alternate

Eric Carpenter, Liaison

Christina Baguer, Support Staff

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OLD BUSINESS

1. **DISCUSSION REGARDING HOW TO CREATE MORE AFFORDABLE HOUSING IN MIAMI BEACH.**
January 15, 2020 C4 E
Commissioner Gongora
HOUSING & COMMUNITY SERVICES
2. **DISCUSSION REGARDING THE FINES LEVIED AGAINST PROPERTIES AND A POLICY DECISION AS TO WHEN THE CITY SHOULD MOVE FORWARD WITH FORECLOSURE PROCEEDINGS.**
March 13, 2019 - C4 E
Commissioner Michael Góngora
Code Compliance
3. **DISCUSSION REGARDING PEDESTRIAN SAFETY ON THE BEACHWALK**
December 11, 2019 - C4G
Commissioner Micky Steinberg
TRANSPORTATION & MOBILITY

NEW BUSINESS

4. **DISCUSSION REGARDING THE POSSIBILITY OF SUPPORTING A WOMEN'S CONFERENCE AS WAS DONE BY THE CITY IN YEARS PAST.**
February 12, 2020 - C4T
Commissioner Steinberg
NA
5. **DISCUSSION REGARDING A COMPLETION DATE FOR THE NORTH BEACH OCEANSIDE PARK RENOVATION.**

February 12, 2020 - C4H
Commissioner Mark Samualian
Office of Capital Improvement Projects

6. **DISCUSSION REGARDING CITYWIDE LIGHTING IN MIAMI BEACH.**

Public Works
Commissioner Meiner
Public Works

7. **DISCUSSION REGARDING POSSIBLE WAYS TO IMPROVE THE HOMELESS ISSUE IN MIAMI BEACH.**

February 12, 2020 - C4S
Commissioner Steven Meiner
Housing and Community Services

8. **DISCUSSION REGARDING CRIME IN MIAMI BEACH - UPDATE**

Commissioner Gongora
Police

9. **DISCUSSION REGARDING IMPLEMENTING A POLICING PLAN.**

October 30, 2019 - R9F
Commissioner Góngora
Police

10. **DISCUSSION REGARDING THE BUILDING DEPARTMENT'S PERMITTING PROCESS INCLUDING WALK-IN CUSTOMERS AND THE TIMELINE TO OBTAIN PERMITS.**

January 15, 2020 - R9 Y
Commissioner Steinberg
Building

11. **DISCUSSION REGARDING THE ADDITION OF A 4-WAY STOP IN THE VICINITY OF 37TH STREET AND SHERIDAN AVENUE TO IMPROVE VEHICULAR AND PEDESTRIAN SAFETY.**

February 12, 2020 - C4R
Commissioner Steven Meiner
TRANSPORTATION & MOBILITY

12. **DISCUSSION REGARDING TRAFFIC AND SIGNAGE AROUND NAUTILUS MIDDLE SCHOOL**

February 12, 2020 - C4J
Commissioner Mark Samuelian
Transportation & Mobility

13. **DISCUSSION REGARDING AN UPDATE AND FEEDBACK ON THE ENGAGEMENT TOOLBOX LAUNCHED IN NOVEMBER 2019.**

February, 12, 2020 C4N
Commissioner Gongora
Marketing & Communications

14. **DISCUSSION REGARDING THE CURRENT STATUS OF THE TOPS PROGRAM: OFF**

DUTY POLICE.

October 30, 2019 - C4G
Commissioner Samuelian
Police

15. DISCUSSION REGARDING THE 2020 CENSUS.

January 15, 2020 - R9 F
Mayor and Commissioners
Office of City Manager

16. DISCUSS THE CURRENT LIGHTING AT BELLE ISLE PARK AND POTENTIAL AVENUES FOR ENHANCEMENT.

February 12, 2020 - C4L
Commissioner Samuelian
Public Works

17. DISCUSSION REGARDING THE RECOMMENDED DESIGN CONCEPT PROPOSED IN THE 17TH STREET EXCLUSIVE TRANSIT AND PROTECTED BUFFERED BICYCLE LANES FEASIBILITY STUDY.

February 12, 2020 - C4I
TRANSPORTATION & MOBILITY

18. DISCUSSION REGARDING ESTABLISHING A FAST PASS TRACK FOR SMALL BUSINESSES FOR THE BUILDING DEPARTMENT PERMIT PROCESS.

February 12, 2020 - C4K
Commissioner Gongora
Building

19. DISCUSSION REGARDING AN UPDATE ON THE ELECTRONIC PLANS FILING FOR PERMITTING PURPOSES.

February 12, 2020 - C4M
Commissioner Góngora
Building

20. DISCUSSION REGARDING ACCOUNTABILITY AND TRANSPARENCY OF NEIGHBORHOOD AND HOMEOWNERS' ASSOCIATIONS APPEARING BEFORE THE CITY.

January 15, 2020 - C4 I
Commissioner Richardson
City Attorney

DEFERRED ITEMS**21. DISCUSSION REGARDING THE INTEREST OF THE COMMISSION IN OPERATING ELECTRIC SCOOTERS AT ALL AND THE POSSIBILITY OF A FUTURE PILOT PROGRAM.**

July 25, 2018 - R9 V
Commissioner Góngora
Transportation

Status: Deferred to the April 1, 2020 NQLC meeting.

22. DISCUSSION REGARDING THE MIAMI BEACH POLICE DEPARTMENT'S ENHANCED

PUBLIC SAFETY CITIZEN VOLUNTEER INITIATIVE

January 15, 2020 - C4G

Commissioner Meiner

Police

Status: Deferred to the April 1, 2020 NQLC meeting.

23. **DISCUSSION REGARDING MOTIONS PASSED BY THE PARKS AND RECREATIONAL FACILITIES BOARD ON OCTOBER 2, 2019.**

October 30, 2019 - C4 E

Commissioner Samuelian

Parks and Recreation Department

Status: Deferred to the April 1, 2020 NQLC meeting.

24. **DISCUSSION REGARDING NORTH BEACH REGIONAL PARKING ANALYSIS - WALKER CONSULTANTS.**

October 30, 2019 - C4 F

Commissioner Samuelian

Parking

Status: Deferred to the April 1, 2020 NQLC meeting.

25. **DISCUSSION REGARDING DEVELOPING A REAL ESTATE MARKETING KIT/MATERIAL ABOUT "WHAT MAKES MIAMI BEACH FEEDER PATTERN PUBLIC SCHOOLS GREAT ."**

October 30, 2019 - C4 I

Commissioner Góngora

Organizational Development Performance Initiatives

Status: Deferred to the April 1, 2020 NQLC meeting.

26. **DISCUSSION REGARDING COMMEMORATING MR. IRVING KARP WITH A PLAQUE ON SIXTH STREET.**

January 15, 2020 - C4 J

Commissioner Steinberg

Parks and Recreation Department

Status: Deferred pending the Parks Department meeting with business owner for permission to install the plaque.

27. **DISCUSSION REGARDING THE ANIMAL WELFARE COMMITTEE MOTIONS CONCERNING FUMIGATION.**

September 11, 2019 - C4 H

Commissioner Samuelian

Public Works

Status: Deferred to the April 1, 2020 NQLC meeting.

28. **DISCUSSION REGARDING CLEANLINESS IN MIAMI BEACH.**

January 16, 2019 - C4 S

Commissioner Góngora

Public Works

Status: Deferred to the May 20, 2020 NQLC meeting.

29. **DISCUSSION TO CONSIDER CONCEPTS FOR THE NORTH BEACH NEIGHBORHOOD GREENWAY.**

December 12, 2018 - C4 Q

Transportation

Status: Deferred pending completion of traffic study.

30. **DISCUSSION REGARDING THE REVIEW AND ANALYSIS OF EXTRANEEOUS AND POTENTIALLY OUTDATED LEGISLATION IN MIAMI BEACH.**

July 25, 2018 - C4 E

Commissioner Góngora

Office of the City Attorney

Status: Deferred pending recommendations from each department. City attorney to bring back comprehensive multi-department recommendation to NCAC meeting when ready.

MIAMI BEACH

COMMITTEE MEMORANDUM

TO: Neighborhood and Quality of Life Committee Members

FROM: Jimmy L. Morales, City Manager

DATE: March 4, 2020

SUBJECT: **DISCUSSION REGARDING HOW TO CREATE MORE AFFORDABLE HOUSING IN MIAMI BEACH.**

HISTORY:

The Mayor and Commission referred this item to the Neighborhood and Quality of Life Committee (NQLC) at its January 15, 2020 meeting. Commissioner Michael Gongora is the item sponsor.

ANALYSIS

The critical shortage of affordable housing in our community has resulted in more than half of our residents being cost burdened. The resident workforce risks leaving the city in search of affordable housing, and new employees are being deterred by the high cost of living.

Increasing affordable housing options is a key element of the 2019 Strategic Plan: Through the Lens of Resilience and its importance is echoed in the Greater Miami and the Beaches Resilient 305 strategy as Objective 5, Action 18. Prioritizing Workforce Housing is listed as a Guiding Principle in the city's 2040 Comprehensive Plan. Furthermore, the Housing Element in the 2040 Comprehensive Plan sets the objective to "Have available a minimum of 6,800 housing units of workforce, affordable low- and moderate- income households and special need populations during the period through 2030." There are approximately 2,450 affordable housing units in the city. The Housing Authority of Miami Beach provides 3,400 housing vouchers, however only 30% of those are used within the city.

Below is a summary of the changes that have been made to encourage the development affordable and workforce housing:

- Ordinance 2017-4148 (Affordable Housing)
 - Reduced minimum and average unit size to 400 square feet across all zoning districts within the City where multifamily residential units are allowed.
 - Reduced parking requirements from:
 - 0.5 to 0 parking spaces per unit for elderly housing
 - 1 to 0.5 parking spaces per unit for low and/or moderate income non-elderly persons
 - No additional parking requirements for development of additional affordable housing units on an existing building and new construction.
- Ordinance 2017-4149 (Workforce Housing)

- Reduced minimum and average unit size to 400 square feet across all zoning districts within the City where multifamily residential units are allowed.
- Reduced parking requirements from 1 to 0.5 parking spaces per unit
- When an existing building is renovated and the number of units is increased, or when units are added on a lot with an existing building that is retained and renovated, there is no parking requirement for the newly constructed units

2040 Comprehensive Plan – Housing Element Policy 1.1.6

The Planning Department, which includes zoning review, will continue to streamline the housing approval and permitting process in coordination with the Building Department through the expedited processing of permits for affordable and workforce housing projects. This incentive gives priority to designated affordable housing projects when scheduling Pre-Design Conferences with all relevant agencies.

Town Center-Central Core District

On November 14, 2018, the City Commission adopted ordinance 2018-4224, establishing the Town Center – Central Core (TC-C) zoning district. Pursuant to the recommendations of the North Beach Master Plan, the ordinance allowed for co-living units, which may also be known as a micro-unit.

Accessory Dwelling Units (ADU) (Ordinance 2019-4304 & 2019-4305)

Ordinance allows for the following:

1. ADU's be allowed in all single-family neighborhoods.
2. The rental of ADU's be limited to homesteaded or owner-occupied properties.
3. The rental of ADU's for longer than six months and one day.

Additional Affordable Housing Strategies

The City of Miami has unveiled its Master Plan to create a bank to finance affordable housing construction and renovations. The City of Miami is providing an initial contribution of \$85 million set aside from voter-approved bonds. Other strategies to explore include:

Strategy	Jurisdictions implementing
Inclusionary Zoning	Inclusionary zoning policies have been implemented in more than 400 jurisdictions nationwide. Most notably: San Francisco, New York City and Montgomery County. San Francisco originally passed its inclusionary zoning program in 1992, and voters recently passed a measure that would increase the inclusionary zoning set-aside for affordable units to 25 percent, the highest in the nation. Currently, San Francisco requires that developers devote at least 12 percent of onsite units to affordable housing, or 20 percent off-site.
Rent Regulation	As of 2019, five states (California, New York, New Jersey, Maryland, Oregon) and the District of Columbia have localities in which some form of residential rent control is in effect. California has set the maximum annual rental increase at 5% plus regional inflation and provides eviction protections to longtime tenants.
Land Bank	Twelve states have passed comprehensive state-enabling land bank legislation: New York, Georgia, Missouri, Pennsylvania, Tennessee, Nebraska, Alabama, West Virginia, Delaware, Virginia, Connecticut, and New Jersey. Approximately 200 communities have created land banks. The Philadelphia Land Bank simplifies the process of transferring city-

	owned properties to private owners. It can also foreclose privately-owned vacant properties that could potentially be used to revitalize a neighborhood. The Land Bank is run by a board of real estate, development, and public policy professionals.
Expedited Processing	San Diego's affordable/in-fill housing expediting program offers priority processing to projects with at least 10 percent affordable units. The program offers access to specialized city staff, shorter staff review times and priority on hearing dockets among other things. In just over 10 years, the program expedited processing for more than 300 projects including 2,800 affordable homes. Participating projects are generally processed in half the time of a typical local project.
Density Bonuses	Montgomery County requires 12.5 percent of all new residential units be affordable but the required affordable percentage rises to 15 percent for projects that take advantage of the County's density bonus program. Under that program developers can build up to 20 percent more floor area than would otherwise be allowed under local zoning.
Fee Waivers	Austin's SMART Housing Policy offers very significant fee waivers to builders who voluntarily agree to include affordable housing units in their projects. Among other benefits, the program offers: Multi-Family Subdivision Approximately \$1,250 per Unit, <ul style="list-style-type: none"> · Waived amounts for Permit Fees, Water/Waste Water Capital Recovery Fees, and Construction Inspection Fees have averaged approximately \$600 per unit · Parkland Dedication Fees – Up to \$650 per unit for reasonably priced units
Renters tax credit	Maine – Subject to certain income limitations based on household size, Maine renters may be eligible for a tax credit equal to 15 percent of the rent paid during the year.
Vacancy Tax	In 2017, Vancouver implemented a tax on homes left vacant for more than six months per year. Such properties are subject to a tax of 1% of the property's assessed taxable value
Cap on Property Taxes	Illinois lawmakers are looking at capping property tax increases for apartment buildings that include low-income housing in a portion of the building. It would put caps on how much assessments on apartment complexes could rise if the owner commits at least 20 percent of the building's units to be reserved for families that make less than a set income, depending on the area. The caps would gradually be reduced over the course of ten years.
Elimination of Single-Family Zoning	Minneapolis now allows duplexes or triplexes on lots previously allowing just one home, with no requirement to add additional parking. Seattle also recently approved residential upzoning.
Tax Increment Financing (TIF)	For more than a decade, Portland has set aside 40 percent of the TIF. Since 2006, the program has generated nearly a quarter of a billion dollars to support affordable housing.

CONCLUSION:

Although the city has made efforts towards incentivizing and encouraging development of affordable housing, only an additional five units have been added to the affordable housing inventory since the inception of these changes. The five units located at 795 81st St, were acquired by the city using repayment funds from the U. S.

Department of Housing and Urban Development (HUD). There are major limitations to developing affordable housing in Miami Beach due to the high costs of construction and built-out nature of the city. Given land constraints, redevelopment is a more viable option for Miami Beach rather than new construction.

The strategies listed above should be analyzed further to determine their feasibility in Miami Beach.

Applicable Area

Citywide

**Is this a "Residents Right
to Know" item, pursuant to
City Code Section 2-14?**

No

**Does this item utilize G.O.
Bond Funds?**

No

Strategic Connection

Mobility - Increase housing options for current and future residents.

MIAMI BEACH

COMMITTEE MEMORANDUM

TO: Neighborhood and Quality of Life Committee Members

FROM: Jimmy L. Morales, City Manager

DATE: March 4, 2020

SUBJECT: **DISCUSSION REGARDING THE FINES LEVIED AGAINST PROPERTIES
AND A POLICY DECISION AS TO WHEN THE CITY SHOULD MOVE
FORWARD WITH FORECLOSURE PROCEEDINGS.**

ANALYSIS

Verbal report presented at Committee.

Applicable Area

Citywide

**Is this a "Residents Right
to Know" item, pursuant to
City Code Section 2-14?**

Yes

**Does this item utilize G.O.
Bond Funds?**

No

MIAMI BEACH

COMMITTEE MEMORANDUM

TO: Neighborhood and Quality of Life Committee Members

FROM: Jimmy L. Morales, City Manager

DATE: March 4, 2020

SUBJECT: **DISCUSSION REGARDING PEDESTRIAN SAFETY ON THE BEACHWALK**

HISTORY:

Given the high amount of activity on the beachwalk, some residents have expressed concerns with safety due to conflicts with bicyclists, roller-skaters, skate boarders, and motorized devices. As such, at the December 11, 2019 City Commission meeting, Commissioner Micky Steinberg referred a discussion item regarding pedestrian safety on the beachwalk to the Neighborhood and Quality of Life Committee.

The Miami Beach beachwalk is one of the most popular shared-use paths in Miami-Dade County, generally located between abutting private properties on the west and the coastal dune system on the east and extending from South Pointe Park on the south to the city limit on the north. The beachwalk is used daily by thousands of pedestrians, bicyclists, roller-skaters, and skate boarders for recreational and work-related trips. The width of the beachwalk varies from 12 feet to 23 feet; however, most of the segments are limited to about 15 feet or less in width.

In 2012, via Ordinance No. 2012-3780, the City prohibited the use of personal electric assistive mobility devices (i.e. Segways) and other motorized means of transportation on the beachwalk, baywalk, cutwalk, and interior paths of certain parks. Bicycles as well as motorized means of transportation are also prohibited on the few remaining sections of the wooden boardwalk which is currently being demolished and replaced with a beachwalk in Middle Beach. The current rules and regulations on the beachwalk are enforced by the City's police officers and park rangers.

The beachwalk has been constructed in segments over a span of several years with funding provided by the Florida Department of Transportation's (FDOT) Transportation Alternatives grant program, a federally funded discretionary grant program. Pursuant to the joint funding agreements executed between the City and FDOT for the construction of the beachwalk, the City cannot legally prohibit non-motorized vehicles, including bicycles, from using the shared-use facility.

The City relies heavily on its Park Ranger program to educate and enforce the proper use of permitted mobility devices along the beachwalk and park pathways. The Park Rangers' primary goal is to attain compliance by way of education, and they take an ambassador approach to enforcement by first educating riders (including those using electric mobility devices) about the safety concerns and current rules/regulations on the City's beachwalk and park pathways. Their presence and approach to enforcement serves as a deterrent to unauthorized activity. The Park Rangers have received a clear directive to engage with any conflicts involving reckless use of bicycles or any other vehicles on the beachwalk and park pathways.

ANALYSIS

To mitigate the safety concerns of pedestrians using the beachwalk, the City's Transportation and Mobility Department staff has explored delineating separate lanes for pedestrians and other uses. Based on the existing beachwalk width, however, delineating lanes is not feasible as it would not meet the minimum width required by FDOT for either use. For example, to delineate a two-way bike path, a minimum width of 10 feet for bicycles would be required. With the high number of pedestrians using the beachwalk, a minimum width of 12 feet would be desirable to delineate a two-way path for pedestrians. Thus, a minimum width of 22 feet is desired to safely segregate pedestrians and bicyclists on the beachwalk. Anecdotally, the beachwalk in Hollywood Beach is approximately 30 feet wide and delineated for pedestrians and bicyclists; however, during peak times (weekends), pedestrians frequently spill-over into the bicycle lanes and conflicts inevitably arise despite the delineation of modes.

While conflicts between pedestrians and other modes on the beachwalk cannot be completely eradicated, various strategies can be explored to raise awareness and supplement enforcement by the City's park rangers. Strategies include:

- Installing additional signage and/or pavement markings at all street ends and along the beachwalk to reinforce the message that bicycles, and other non-motorized devices must yield to pedestrians. A signage plan would be developed to minimize sign pollution.
- Deploying a citywide safety/educational campaign in collaboration with area hotels, condominiums, and stakeholders. This strategy is more effective for recurring users.

CONCLUSION:

The City's beachwalk is a highly utilized shared-use path that serves recreational and work trips; however, its popularity coupled with its constrained width contributes to frequent conflicts among pedestrians, bicyclists, and other users. Recently, motorized devices, such as electric bicycles, e-scooters, and powered skateboards - though not legal to operate on the beachwalk - have been reported on the facility. Due to FDOT requirements governing shared-use paths constructed with federal funds, the City cannot legally prohibit bicycles and other non-motorized means of transportation on the beachwalk. To help mitigate the safety concerns, in addition to active enforcement by the City's Park Rangers, staff can explore adding signage to reinforce the message that bicycles and other non-motorized vehicles must yield to pedestrians as well as to alert users as to devices that are permitted and prohibited on the beachwalk. Additionally, the Administration can explore a safety/educational campaign in collaboration with hotels and condominiums along the beachwalk.

The above information is presented to the Neighborhood and Quality of Life Committee for discussion and input.

Applicable Area

Citywide

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?

Does this item utilize G.O. Bond Funds?

No

No

Strategic Connection

Mobility - Improve the walking and biking experience.

MIAMI BEACH

COMMITTEE MEMORANDUM

TO: Neighborhood and Quality of Life Committee Members

FROM: Jimmy L. Morales, City Manager

DATE: March 4, 2020

SUBJECT: **DISCUSSION REGARDING THE POSSIBILITY OF SUPPORTING A
WOMEN'S CONFERENCE AS WAS DONE BY THE CITY IN YEARS PAST.**

ANALYSIS

Discussion at Committee.

**Is this a "Residents Right
to Know" item, pursuant to
City Code Section 2-14?**

No

**Does this item utilize G.O.
Bond Funds?**

No

MIAMI BEACH

COMMITTEE MEMORANDUM

TO: Neighborhood and Quality of Life Committee Members

FROM: Jimmy L. Morales, City Manager

DATE: March 4, 2020

SUBJECT: **DISCUSSION REGARDING A COMPLETION DATE FOR THE NORTH BEACH OCEANSIDE PARK RENOVATION.**

ANALYSIS

Please see attached LTC No. # 076-2020 providing status for North Beach Oceanside Park Renovation. Item C4 H was referred to Neighborhood and Quality of Life Committee to discuss setting a completion date.

Applicable Area

North Beach

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?

Yes

Does this item utilize G.O. Bond Funds?

No

Strategic Connection

Neighborhoods - Evolve parks and green spaces to meet the changing needs of the community.

ATTACHMENTS:

Description	Type
□ LTC for North Beach Oceanside Park Renovation	Memo

MIAMI BEACH

OFFICE OF THE CITY MANAGER

NO. LTC #

076-2020

LETTER TO COMMISSION

TO: Mayor Dan Gelber and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: February 10, 2019

SUBJECT: UPDATE ON INVITATION TO BID (ITB) NO. 2019-210-AY FOR NORTH BEACH OCEANSIDE PARK

The purpose of this LTC is to update the Mayor and City Commission on ITB 2019-210-AY, for North Beach Oceanside Park. The ITB was issued on May 2, 2019 with a bid due date of June 17, 2019.

The park is located between 79 Street and 87 Street and spans an area of 27.89 acres. Park improvements that will be implemented as part of this project include expanded path networks, revitalized landscaping, new signage, cosmetic refurbishment of the existing restrooms, ornamental entrance gates, turtle friendly lighting, security camera infrastructure, new playground equipment, new beach showers and refurbished picnic shelters. The total project budget is approximately \$10 million of which \$7 million is budgeted for construction.

Subsequent to several extensions of the Bid Date, due to permitting delays with the Florida Department of Environmental Protection and following presentations and the receipt of comments from the Administration and the Sustainability and Resiliency Committee, the City received, on October 3, 2019, a total of four (4) proposals. The lowest bid received exceeded the budgeted construction cost by \$5 million.

On October 10, 2019 the City Manager rejected the bids to allow the design consultant Calvin, Giordano & Associates and the city staff to re-evaluate the design and receive feedback from the different contractors.

As a result, city staff, along with the consultant, have met with the contractors who submitted bids in order to discuss the different design elements and identify those that contributed to the high cost proposals. The consensus among the bidders was that the number of tree relocations, compounded by phasing constraints, was a major cost factor. Given the existing conditions of the park, and the Administration's policy and desire to be good stewards of the environment by preserving as many of the existing trees as possible, the project calls for large numbers of trees to be relocated within the park, in order to accommodate other improvements. The need to relocate these trees, combined with the phasing of construction, results in higher costs and longer durations. Further exacerbating the impact of the tree relocations to the budget is that contractors ultimately increase the cost of this activity, in order to cover the potential need to replace trees that are damaged or die during the process.

Also common among the bidders was the indication that the phasing and sequencing of the project was a major cost factor. In order to maintain a portion of the park, approximately half, open and accessible to the residents throughout construction, the plans call for phasing the

park into two areas of construction. This results in subcontractors having to mobilize twice, with associated delivery and removal of equipment, thereby increasing project cost.

The park was originally designed to have minor lighting improvements. Through the Design Review Board process, the team was directed to expand and further improve park lighting. As a result of that direction, in order to comply with Florida's lighting requirements in turtle nesting areas, the lighting package was further expanded to provide turtle friendly fixtures. This resulted in a significant increase in the number of fixtures in order to provide the necessary light coverage. During the meetings with the contractors, this increased scope was identified as having significant cost implications.

Pursuant to the terms of the contract for professional services, City staff issued a notice of redesign, directing the consultant to revise the drawings, at no additional cost to the City, in order to bring the project within budget. Using the insight gained through meeting with the bidders, and after identifying those cost driving factors, the consultant has been working on the redesign efforts and, as established in the notice to redesign, is scheduled to submit a revised design at the end of March. Items the consultant is pursuing in its value engineering effort include the reduction of the overall width of walkways, elimination of some walkways, reduction in the number of trees to be relocated, elimination of specialty finishes, and the reduction of the number of monumental entrances, among other items.

The project team will be meeting with the user departments to review the value engineering effort and build consensus on final resolution. Following receipt of revised design, the revisions will be submitted to the Building Department for permit revision, followed by the procurement process to re-bid the project.

Concurrently, City staff is working to advance the North Beach Oceanside Park Beachwalk (NBOPB). This is a separate project from the North Beach Oceanside Park, and has been awarded a grant from the Florida Department of Transportation (FDOT). Per the terms of the grant, the project cannot proceed through procurement until funding is made available and a notice to proceed is issued. The City has requested that the funding be advanced and is expecting that it be made available after July of this year.

Please do not hesitate to contact David Martinez, CIP Director, should you have any procedural questions at (305) 673-7071.

JLM/ETC/DM

MIAMI BEACH

COMMITTEE MEMORANDUM

TO: Neighborhood and Quality of Life Committee Members

FROM: Jimmy L. Morales, City Manager

DATE: March 4, 2020

SUBJECT: **DISCUSSION REGARDING CITYWIDE LIGHTING IN MIAMI BEACH.**

HISTORY:

At its February 12, 2020 meeting, the City Commission approved agenda item number C4Q, by Commissioner Meiner, a referral to the Neighborhoods and Quality of Life Committee to discuss citywide lighting in Miami Beach.

ANALYSIS

Public Works is currently overseeing multiple efforts to enhance lighting throughout the City:

- Staff has engaged FPL to have all City alleys retrofitted with energy-efficient Light-Emitting Diode (LED) lighting as part of the City's agreement with FPL. FPL had previously completed Ocean Court under this endeavor.
- The Florida Department of Transportation (FDOT) also has an upcoming project involving intersection lighting improvements on Alton Road, between 6 Street and 20 Street, in efforts to enhance street lighting and pedestrian safety. Alton Road is a roadway under FDOT jurisdiction. FDOT, at the request of Public Works, further expanded their scope and agreed to convert the current street lighting in the corridor to LED.
- Additionally, the City Commission, at its November 14, 2018 meeting, approved Resolution 2018-30612, authorizing Johnson Controls, Inc, to develop a Citywide Lighting Master plan. Phase 1A (engagement plan and lighting standards) of the Master Plan is almost completed and Public Works staff will be presenting it to Commission in the coming months for adoption of Phase 1A and to move forward with Phase 1B (design and planning) of the project.

Results from the 2019 Resident Survey show that 64% of residents rated street lighting as excellent/good. In order to continue maintaining excellent standards in this area, the City continues to find alternatives for lighting enhancement throughout the City.

CONCLUSION:

This information is presented to the members of the Neighborhood and Quality of Life Committee for consideration and further direction.

Applicable Area

Citywide

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?

Yes

Does this item utilize G.O. Bond Funds?

No

ATTACHMENTS:

Description

 Resolution 2018-30612

Type

Other

RESOLUTION NO. 2018-30612

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF
THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND
AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE
A PHASE 1A WITH JOHNSON CONTROLS, INC., PURSUANT
TO REQUEST FOR QUALIFICATIONS (RFQ) NO. 2017-119-KB,
RELATING TO DEVELOPING A CITYWIDE LIGHTING MASTER
PLAN, FOR A NOT TO EXCEED AMOUNT OF \$1,863,895.**

WHEREAS, on June 7, 2017, the City Commission approved the issuance of Request for Qualifications No. 2017-119-KB for Smart City Street Lighting System Design, Build, Operate, and Maintain (the RFQ); and

WHEREAS, at its October 31, 2017 meeting, the City Commission approved Resolution 2017-30077, accepting the recommendation of the City Manager, pursuant to the RFQ and authorized the Administration to enter into negotiations with Johnson Controls, Inc., as the top ranked proposer; and

WHEREAS, Johnson Controls, Inc. had proposed a \$3,600,000 contract to design, build operate, and maintain a smart lighting system for the City of Miami Beach; and currently, the City does not have a dedicated funding source for the project; and

WHEREAS, since the RFQ award was approved prior to the appointment of certain City Commissioners, the City Commission recommended that the contract be referred back to the Finance and Citywide Projects Committee (FCWPC) in order to provide more information on the "Smart City" concept; and

WHEREAS, at the direction of the FCWPC, the Smart City project was placed on the April 5, 2018 G.O. Bond Workshop committee agenda, in order to be further evaluated for budget and funding purposes; and

WHEREAS, during the April 20, 2018 FCWPC meeting, the Committee made a motion to proceed with reviewing the scope of services of the proposed agreement with Johnson Controls, and perhaps splitting the scope of services into two parts; and

WHEREAS, during the June 29, 2018 FCWPC meeting, the Committee discussed the Johnson Controls, Inc. agreement in further detail, and recommended bi-furcating the scope of services into two (2) phases: a Master Plan Concept Design Phase, which Phase has funding available in the City's budget (\$1,800,000); and a Design Development Phase, which is currently not funded, but is proposed in the G.O. Bond, and which second phase could be negotiated at a later date; and

WHEREAS, at its July 25, 2018 meeting, the City Commission approved a 7th Budget Amendment request to fund Phase I of the "Scope of Services" for the Citywide Lighting Master Plan, and the request to appropriate \$1,800,000, primarily through the transfer of funds from existing projects; and for Phase II of the project (construction and maintenance) to be potentially funded, contingent upon the voter approval of the G.O. Bond question on the November 6, 2018 ballot; and

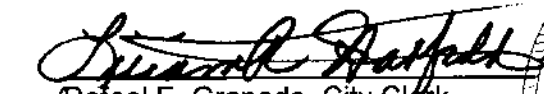
WHEREAS, The Phase 1A Scope of Services to the Johnson Control, Inc. agreement, which would allow for the development of a Smart City Lighting Master Plan, is recommended for approval.

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 and authorizing the Mayor and City Clerk to execute a Phase 1A with Johnson Controls, Inc., pursuant to Request For Qualifications (RFQ) No. 2017-119-KB, relating to developing a Citywide Lighting Master Plan, for a not to exceed amount of \$1,863,895.

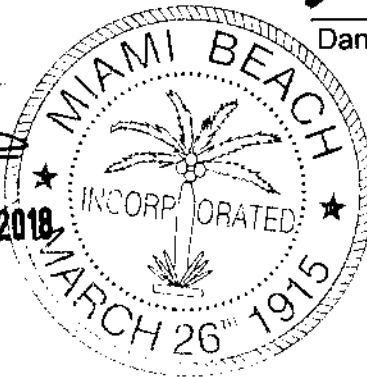
PASSED and ADOPTED this 14th day of November 2018.

ATTEST:


Dan Gelber, Mayor


Rafael E. Granado, City Clerk

NOV 26 2018



APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION


City Attorney


Date

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Jimmy L. Morales, City Manager
DATE: November 14, 2018

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A PHASE 1A WITH JOHNSON CONTROLS, INC., PURSUANT TO REQUEST FOR QUALIFICATIONS (RFQ) NO. 2017-119-KB, RELATING TO DEVELOPING A CITYWIDE LIGHTING MASTER PLAN, FOR A NOT TO EXCEED AMOUNT OF \$1,863,895.

RECOMMENDATION

The Administration recommends approving the Resolution

ANALYSIS

On June 7, 2017, the City Commission approved the issuance of Request for Qualifications (the RFQ) No. 2017-119-KB for Smart City Street Lighting System-Design, Build, Operate, and Maintain. The RFQ was released on June 14, 2017, with an opening date of August 14, 2017. A preproposal conference to provide information to the proposers submitting a response was held on June 23, 2018.

The City received proposals in response to the RFQ from the following nine (9) firms: Airis USA, LLC; Ameresco, Inc.; Citelum US, Inc.; Horsepower Electric, Inc.; Johnson Controls, Inc.; MasTec North America, Inc.; Miami Beach Smart Lighting Partners; Noresco, LLC; and Siemens Industry, Inc.

On July 26, 2017, via LTC # 382-2017, the City Manager appointed the Evaluation Committee (the "Evaluation Committee"), which convened on August 23, 2017 to consider the proposals submitted. The Evaluation Committee's rankings were as follows: (1) Johnson Controls, (2) Miami Beach Smart Lighting Partners; (3) Horsepower Electric, Inc.; (4) Noresco, LLC; (5) Citelum US, Inc.; (6) Ameresco, Inc.; (7) MasTec North America, Inc.; (8) Siemens Industry, Inc.; and (9) Airis USA, LLC.

At its October 31, 2017 meeting, the City Commission approved Resolution No. 2017-30077, accepting the recommendation of the City Manager, pursuant to RFQ 2017-119-KB, for Smart City Street Lighting System-design, build, operate, and maintain; authorizing the Administration to enter into negotiations and execute the contract with Johnson Controls, Inc., as the top ranked proposer.

Since this item was approved prior the appointment of current City Commission elective officials, a referral to the Finance and Citywide Projects Committee (FCWPC) was placed by the April 5, 2018 G.O. Bond Workshop Committee, to further evaluate budget funding and the actual project

At its April 20, 2018 meeting, the FCWPC discussed whether the agreement with Johnson Controls

included authorizing any entity or agency to collect data the Administration was not aware of, and the response was negative. The Committee then made a motion to proceed with the contract negotiation and bring it back to Commission to approve the agreement for Phase 1 estimated at \$3.6 million.

At its June 29, 2018 meeting, the FCWPC brought this item forth for additional discussion and the option to break down the agreement into two (2) phases: a Master Plan Concept Design Phase and a Design Development Phase. A motion was made by the Committee to move forward with the bifurcated approach as outlines by the City Attorney: developing a master plan first, which already has the funding and will add value and then have a checkpoint after that phase of work to then proceed with design.

At its July 25, 2018 meeting, the City Commission approved a 7th Budget Amendment request to fund Phase I of the project for the Citywide Lighting Master Plan and the request to appropriate \$1.8 million, primarily through the transfer of funds from existing projects. The phase II of the project (construction and maintenance) can potentially be funded contingent upon the approval of G.O. Bond in November.

-

CONCLUSION

The Administration recommends approving and authorizing the Mayor and City Clerk to execute, in the form attached to this Resolution, an agreement between the City and Johnson Controls, Inc., for Smart City Street Lighting System – design, build, operate, and maintain, pursuant to RFQ No. 2017-119-KB.

Legislative Tracking

Public Works

ATTACHMENTS:

Description

- ▯ PROFESSIONAL SERVICE AGREEMENT
- ▯ Resolution No. 2017-30077
- ▯ Resolution

**PROFESSIONAL SERVICES AGREEMENT
BETWEEN THE CITY OF MIAMI BEACH
AND
JOHNSON CONTROLS, INC.
PHAE 1A SERVICES FOR
SMART CITY STREET LIGHTING SYSTEM, PURSUANT TO
REQUEST FOR QUALIFICATIONS NO. 2017-119KB**

This Professional Services Agreement (Agreement) is entered into this ____ day of November, 2018, between the **CITY OF MIAMI BEACH, FLORIDA**, a municipal corporation organized and existing under the laws of the State of Florida, having its principal offices at 1700 Convention Center Drive, Miami Beach, Florida, 33139 (the City), and **JOHNSON CONTROLS, INC.**, a Wisconsin corporation, with an office at 15901 SW 29th Street #801 Miramar, Florida 33027 (Consultant).

**SECTION 1
DEFINITIONS**

- Agreement:** This Agreement between the City and Consultant, including any exhibits and amendments thereto.
- City Manager:** The chief administrative officer of the City.
- City Manager's Designee:** The City staff member who is designated by the City Manager to administer this Agreement on behalf of the City. The City Manager's designee shall be the Public Works Department Director.
- Consultant:** For the purposes of this Agreement, Consultant shall be deemed to be an independent contractor, and not an agent or employee of the City.
- Services:** All services, work and actions by the Consultant performed or undertaken pursuant to the Agreement.
- Fee:** Amount paid to the Consultant as compensation for Services.
- Proposal Documents:** Proposal Documents shall mean City of Miami Beach Request for Qualifications No. 2017-119KB for Smart City Street Lighting System, together with all amendments thereto, issued by the City in contemplation of this Agreement (the RFP), and the Consultant's proposal in response thereto (Proposal), all of which are hereby incorporated and made a part hereof; provided, however, that in the event of an express conflict between the Proposal Documents and this Agreement, the following order of precedent shall prevail: this Agreement; the RFP; and the Proposal.
- Risk Manager:** The Risk Manager of the City, with offices at 1700 Convention Center Drive, Third Floor, Miami Beach, Florida 33139; telephone number (305) 673-7000, Ext. 6435; and fax number (305) 673-7023.

SECTION 2

SCOPE OF SERVICES

2.1 In consideration of the Fee to be paid to Consultant by the City, Consultant shall provide the work and services described under the heading Phase 1A in Exhibit "A" hereto (the Services).

Although Consultant may be provided with a schedule of the available hours to provide its services, the City shall not control nor have the right to control the hours of the services performed by the Consultant; where the services are performed (although the City will provide Consultant with the appropriate location to perform the services); when the services are performed, including how many days a week the services are performed; how the services are performed, or any other aspect of the actual manner and means of accomplishing the services provided. Notwithstanding the foregoing, all services provided by the Consultant shall be performed in accordance with the terms and conditions set forth in Exhibit "A" and to the reasonable satisfaction of the City Manager. If there are any questions regarding the services to be performed, Consultant should contact the following person:

Roy Coley, Public Works Director
City of Miami Beach
1700 Convention Center Drive
Miami Beach, FL 33139

2.2 Consultant's Services, and any deliverables incident thereto, shall be completed in accordance with the timeline and/or schedule related to Phase 1A in Exhibit "A" hereto.

2.3 The following are exclusions, assumptions, exceptions and/or City responsibilities:

- Pricing estimate for inventory assumes 9,000 lights. Price will be adjusted if actual inventory exceeds this amount.
- Current pricing excludes design of emergency and egress lighting systems.
- Pricing assumes that other than meter upgrades, no design modifications will be required except replacement as necessary for the lighting circuits.
- The City will provide the Consultant's team with maps of the City owned, operated, and maintained properties in scaled parcel maps or as-built drawings, either in PDF or CAD form. This scope does not include work on lands owned, operated, and maintained by private owners, nor does this scope include properties or public rights-of-way owned, operated, and/or maintained by other local, county, and state jurisdictions outside of the City of Miami Beach. It is also assumed this scope does not include the City leased-spaces, building, or lands where the City is not the owner, operator, or maintainer.
- Assumes lighting for analysis is all City-owned light fixtures, and excludes utility-owned lights and any other lights owned by other entities like state/county lights. Consultant assumes that all lighting falling under the jurisdiction of the City is included in this effort. This includes not only corridors, but all City-owned properties.

2.4 Execution of this Agreement only serves as notice to proceed with the scope of work associated with Phase 1A, as referenced in Exhibit "A" attached hereto. The Phase 1B and Phase 2 forms of contract will be negotiated between the parties utilizing Exhibit "A" attached

hereto. Notwithstanding the foregoing or any other term of this Agreement, the City shall be under no obligation to proceed with any work or services beyond those services contemplated in Phase 1A of Exhibit "A", to this Agreement. Approval of any other work or services in Exhibit "A," including without limitation Phase 1B and Phase 2, shall be subject to the prior approval of the City Commission, which approval, if given at all, shall be at the City Commission's sole discretion.

SECTION 3

TERM

The term of this Agreement (Term) shall commence upon execution of this Agreement by all parties hereto, and shall have an initial term of twelve (12) months.

Notwithstanding the Term provided herein, Consultant shall adhere to any specific timelines, schedules, dates, and/or performance milestones for completion and delivery of the Services, as same is/are set forth in the timeline and/or schedule referenced for Phase 1A in Exhibit "A" hereto.

SECTION 4

FEE

4.1 In consideration of the Services to be provided, Consultant shall be compensated according to the price and payment terms referenced for Phase 1A in Exhibit "A" attached hereto.

4.2 INVOICING

Upon receipt of an invoice, payment(s) shall be made within forty-five (45) days for that portion (or those portions) of the Services satisfactorily rendered (and referenced in the particular invoice).

Invoices shall include a detailed description of the Services (or portions thereof) provided, and shall be submitted to the City at the following address:

City of Miami Beach
Public Works Department
1700 Convention Center Drive
Miami Beach, FL 33139
Attn: Roy Coley, Public Works Director

SECTION 5 **TERMINATION**

5.1 TERMINATION FOR CAUSE

If the Consultant shall fail to fulfill in a timely manner, or otherwise violates, any of the covenants, agreements, or stipulations material to this Agreement, the City, through its City Manager, shall thereupon have the right to terminate this Agreement for cause. Prior to exercising its option to terminate for cause, the City shall notify the Consultant of its violation of the particular term(s) of this Agreement, and shall grant Consultant thirty (30) days to cure such default. If such default remains uncured after thirty (30) days, the City may terminate this Agreement without further notice to Consultant. Upon termination, the City shall be fully discharged from any and all liabilities, duties, and terms arising out of, or by virtue of, this Agreement, provided that Consultant shall be paid only for those Services satisfactorily performed and accepted by the City prior to the effective date of such termination.

Notwithstanding the above, the Consultant shall not be relieved of liability to the City for damages sustained by the City by any breach of the Agreement by the Consultant. The City, at its sole option and discretion, shall be entitled to bring any and all legal/equitable actions that it deems to be in its best interest in order to enforce the City's rights and remedies against Consultant. The City shall be entitled to recover all costs of such actions, including reasonable attorneys' fees.

5.2 TERMINATION FOR CONVENIENCE OF THE CITY

THE CITY MAY ALSO, THROUGH ITS CITY MANAGER, AND FOR ITS CONVENIENCE AND WITHOUT CAUSE, TERMINATE THE AGREEMENT AT ANY TIME DURING THE TERM BY GIVING WRITTEN NOTICE TO CONSULTANT OF SUCH TERMINATION; WHICH SHALL BECOME EFFECTIVE WITHIN THIRTY (30) DAYS FOLLOWING RECEIPT BY THE CONSULTANT OF SUCH NOTICE. ADDITIONALLY, IN THE EVENT OF A PUBLIC HEALTH, WELFARE OR SAFETY CONCERN, AS DETERMINED BY THE CITY MANAGER, IN THE CITY MANAGER'S SOLE DISCRETION, THE CITY MANAGER, PURSUANT TO A VERBAL OR WRITTEN NOTIFICATION TO CONTRACTOR, MAY IMMEDIATELY SUSPEND THE SERVICES UNDER THIS AGREEMENT FOR A TIME CERTAIN (IN WHICH CASE TIME FOR PERFORMANCE SHALL BE EXTENDED TO ACCOUNT FOR THE DELAY CAUSED BY SUCH SUSPENSION), OR IN THE ALTERNATIVE, TERMINATE THIS AGREEMENT ON A GIVEN DATE. IF THE AGREEMENT IS TERMINATED FOR CONVENIENCE BY THE CITY, CONSULTANT SHALL BE PAID FOR ANY SERVICES SATISFACTORILY PERFORMED UP TO THE DATE OF TERMINATION; FOLLOWING WHICH THE CITY SHALL BE DISCHARGED FROM ANY AND ALL LIABILITIES, DUTIES, AND TERMS ARISING OUT OF, OR BY VIRTUE OF, THIS AGREEMENT.

5.3 TERMINATION FOR INSOLVENCY

The City also reserves the right to terminate the Agreement in the event the Consultant is placed either in voluntary or involuntary bankruptcy or makes an assignment for the benefit of creditors. In such event, the right and obligations for the parties shall be the same as provided for in Section 5.2.

SECTION 6

INDEMNIFICATION AND INSURANCE REQUIREMENTS

6.1 INDEMNIFICATION

Consultant agrees to indemnify and hold harmless the City of Miami Beach and its officers, employees, agents, and contractors, from and against any and all third party actions (whether at law or in equity), claims, liabilities, losses, and expenses, including, but not limited to, reasonable attorneys' fees and costs, for personal, economic or bodily injury, wrongful death, loss of or damage to property, arising from the negligent acts, errors, omissions or other wrongful conduct arising from the negligent acts, errors, omissions or other wrongful conduct of the Consultant, its officers, employees, agents, contractors, or any other person or entity acting under Consultant's control or supervision, in connection with, related to, or as a result of the Consultant's performance of the Services pursuant to this Agreement. To that extent, the Consultant shall pay all such third party claims and losses and shall pay all such costs and judgments which may issue from any lawsuit arising from such claims and losses, and shall pay all costs and reasonable attorneys' fees expended by the City in the defense of such claims and losses, including appeals. The Consultant expressly understands and agrees that any insurance protection required by this Agreement or otherwise provided by the Consultant shall in no way limit the Consultant's responsibility to indemnify, keep and save harmless and defend the City or its officers, employees, agents and instrumentalities as herein provided. Notwithstanding anything to the contrary contained herein, neither Consultant nor the City of Miami Beach will be responsible to the other for any special, indirect, or consequential damages, including but not limited to loss of use or lost profits.

The parties agree that one percent (1%) of the total compensation to Consultant for performance of the Services under this Agreement is the specific consideration from the City to the Consultant for the Consultant's indemnity agreement. The provisions of this Section 6.1 and of this indemnification shall survive termination or expiration of this Agreement.

6.2 INSURANCE REQUIREMENTS

The Consultant shall maintain and carry in full force during the Term, the following insurance:

1. Consultant General Liability, in the amount of \$1,000,000;
2. Consultant Professional Liability, in the amount of \$200,000; and
3. Workers Compensation & Employers Liability, as required pursuant to Florida Statutes.

The insurance must be furnished by insurance companies authorized to do business in the State of Florida. All insurance policies must be issued by companies rated no less than "B+" as to management and not less than "Class VI" as to strength by the latest edition of Best's Insurance Guide, published by A.M. Best Company, Oldwick, New Jersey, or its equivalent.

All of Consultant's certificates shall contain endorsements providing that written notice shall be given to the City at least thirty (30) days prior to termination, cancellation or reduction in coverage in the policy. The insurance certificates for General Liability shall include the City as an additional insured and shall contain a waiver of subrogation endorsement.

Original certificates of insurance must be submitted to the City's Risk Manager for approval (prior to any work and/or services commencing) and will be kept on file in the Office of the Risk Manager. The City shall have the right to obtain from the Consultant specimen copies of the

insurance policies in the event that submitted certificates of insurance are inadequate to ascertain compliance with required coverage.

The Consultant is also solely responsible for obtaining and submitting all insurance certificates for any sub-consultants.

Compliance with the foregoing requirements shall not relieve the Consultant of the liabilities and obligations under this Section or under any other portion of this Agreement.

The Consultant shall not commence any work and or services pursuant to this Agreement until all insurance required under this Section has been obtained and such insurance has been approved by the City's Risk Manager.

SECTION 7

LITIGATION JURISDICTION/VENUE/JURY TRIAL WAIVER

This Agreement shall be construed in accordance with the laws of the State of Florida. This Agreement shall be enforceable in Miami-Dade County, Florida, and if legal action is necessary by either party with respect to the enforcement of any or all of the terms or conditions herein, exclusive venue for the enforcement of same shall lie in Miami-Dade County, Florida. By entering into this Agreement, Consultant and the City expressly waive any rights either party may have to a trial by jury of any civil litigation related to or arising out of this Agreement.

SECTION 8

LIMITATION OF CITY'S LIABILITY

The City desires to enter into this Agreement only if in so doing the City can place a limit on the City's liability for any cause of action, for money damages due to an alleged breach by the City of this Agreement, so that its liability for any such breach never exceeds the sum of \$10,000. Consultant hereby expresses its willingness to enter into this Agreement with Consultant's recovery from the City for any damage action for breach of contract to be limited to a maximum amount of \$10,000.

Accordingly, and notwithstanding any other term or condition of this Agreement, Consultant hereby agrees that the City shall not be liable to the Consultant for damages in an amount in excess of \$10,000 for any action or claim for breach of contract arising out of the performance or non-performance of any obligations imposed upon the City by this Agreement.

Nothing contained in this section or elsewhere in this Agreement is in any way intended to be a waiver of the limitation placed upon the City's liability, as set forth in Section 768.28, Florida Statutes.

SECTION 9
DUTY OF CARE/COMPLIANCE WITH APPLICABLE LAWS/PATENT RIGHTS; COPYRIGHT;
AND CONFIDENTIAL FINDINGS

9.1 DUTY OF CARE

With respect to the performance of the work and/or service contemplated herein, Consultant shall exercise that degree of skill, care, efficiency and diligence normally exercised by reasonable persons and/or recognized professionals with respect to the performance of comparable work and/or services.

9.2 COMPLIANCE WITH APPLICABLE LAWS

In its performance of the work and/or services, Consultant shall comply with all applicable laws, ordinances, and regulations of the City, Miami-Dade County, the State of Florida, and the federal government, as applicable.

9.3 PATENT RIGHTS; COPYRIGHT; CONFIDENTIAL FINDINGS

Any work product arising out of this Agreement, as well as all information specifications, processes, data and findings, are intended to be the property of the City and shall not otherwise be made public and/or disseminated by Consultant, without the prior written consent of the City Manager, excepting any information, records etc. which are required to be disclosed pursuant to Court Order and/or Florida Public Records Law.

All reports, documents, articles, devices, and/or work produced in whole or in part under this Agreement are intended to be the sole and exclusive property of the City, and shall not be subject to any application for copyright or patent by or on behalf of the Consultant or its employees or sub-consultants, without the prior written consent of the City Manager.

SECTION 10
GENERAL PROVISIONS

10.1 AUDIT AND INSPECTIONS

Upon reasonable verbal or written notice to Consultant, and at any time during normal business hours (i.e. 9AM – 5PM, Monday through Fridays, excluding nationally recognized holidays), and as often as the City Manager may, in his/her reasonable discretion and judgment, deem necessary, there shall be made available to the City Manager, and/or such representatives as the City Manager may deem to act on the City's behalf, to audit, examine, and/ or inspect, any and all other documents and/or records relating to all matters covered by this Agreement. Consultant shall maintain any and all such records at its place of business at the address set forth in the "Notices" section of this Agreement.

10.2 INTENTIONALLY DELETED

10.3 ASSIGNMENT, TRANSFER OR SUBCONSULTING

Consultant shall not subcontract, assign, or transfer all or any portion of any work and/or service under this Agreement without the prior written consent of the City Manager, which consent, if given at all, shall be in the Manager's sole judgment and discretion. Notwithstanding the foregoing, the parties agree that Jacobs Engineering, Infinite Source Communications, Hotwire Communications, Virginia Tech Transportation Institute, Levatas and Evari Consulting are approved subcontractors. Neither this Agreement, nor any term or provision hereof, or right hereunder, shall be assignable unless as approved pursuant to this Section, and any attempt to make such assignment (unless approved) shall be void.

10.4 PUBLIC ENTITY CRIMES

Prior to commencement of the Services, the Consultant shall file a State of Florida Form PUR 7068, Sworn Statement under Section 287.133(3)(a) Florida Statute on Public Entity Crimes with the City's Procurement Division.

10.5 NO DISCRIMINATION

In connection with the performance of the Services, the Consultant shall not exclude from participation in, deny the benefits of, or subject to discrimination anyone on the grounds of race, color, national origin, sex, age, disability, religion, income or family status.

Additionally, Consultant shall comply fully with the City of Miami Beach Human Rights Ordinance, codified in Chapter 62 of the City Code, as may be amended from time to time, prohibiting discrimination in employment, housing, public accommodations, and public services on account of actual or perceived race, color, national origin, religion, sex, intersexuality, gender identity, sexual orientation, marital and familial status, age, disability, ancestry, height, weight, domestic partner status, labor organization membership, familial situation, or political affiliation.

10.6 CONFLICT OF INTEREST

Consultant herein agrees to adhere to and be governed by all applicable Miami-Dade County Conflict of Interest Ordinances and Ethics provisions, as set forth in the Miami-Dade County Code, as may be amended from time to time; and by the City of Miami Beach Charter and Code, as may be amended from time to time; both of which are incorporated by reference as if fully set forth herein.

Consultant covenants that it presently has no interest and shall not acquire any interest, directly or indirectly, which could conflict in any manner or degree with the performance of the Services. Consultant further covenants that in the performance of this Agreement, Consultant shall not employ any person having any such interest. No member of or delegate to the Congress of the United States shall be admitted to any share or part of this Agreement or to any benefits arising therefrom.

10.7 CONSULTANT'S COMPLIANCE WITH FLORIDA PUBLIC RECORDS LAW

- (A) Consultant shall comply with Florida Public Records law under Chapter 119, Florida Statutes, as may be amended from time to time.

- (B) The term "public records" shall have the meaning set forth in Section 119.011(12), which means all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business of the City.
- (C) Pursuant to Section 119.0701 of the Florida Statutes, if the Consultant meets the definition of "Contractor" as defined in Section 119.0701(1)(a), the Consultant shall:
- (1) Keep and maintain public records required by the City to perform the service;
 - (2) Upon request from the City's custodian of public records, provide the City with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in Chapter 119, Florida Statutes or as otherwise provided by law;
 - (3) Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed, except as authorized by law, for the duration of the contract term and following completion of the Agreement if the Consultant does not transfer the records to the City;
 - (4) Upon completion of the Agreement, transfer, at no cost to the City, all public records in possession of the Consultant or keep and maintain public records required by the City to perform the service. If the Consultant transfers all public records to the City upon completion of the Agreement, the Consultant shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If the Consultant keeps and maintains public records upon completion of the Agreement, the Consultant shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to the City, upon request from the City's custodian of public records, in a format that is compatible with the information technology systems of the City.
- (D) REQUEST FOR RECORDS; NONCOMPLIANCE.
- (1) A request to inspect or copy public records relating to the City's contract for services must be made directly to the City. If the City does not possess the requested records, the City shall immediately notify the Consultant of the request, and the Consultant must provide the records to the City or allow the records to be inspected or copied within a reasonable time.
 - (2) Consultant's failure to comply with the City's request for records shall constitute a breach of this Agreement, and the City, at its sole discretion, may: (1) unilaterally terminate the Agreement; (2) avail itself of the remedies set forth under the Agreement; and/or (3) avail itself of any available remedies at law or in equity.
 - (3) A Consultant who fails to provide the public records to the City within a reasonable time may be subject to penalties under s. 119.10.
- (E) CIVIL ACTION.
- (1) If a civil action is filed against a Consultant to compel production of public records relating to the City's contract for services, the court shall assess and award against the Consultant the reasonable costs of enforcement, including reasonable attorney fees, if:
 - a. The court determines that the Consultant unlawfully refused to comply with the public records request within a reasonable time; and
 - b. At least 8 business days before filing the action, the plaintiff provided written notice of the public records request, including a statement that the

Consultant has not complied with the request, to the City and to the Consultant.

- (2) A notice complies with subparagraph (1)(b) if it is sent to the City's custodian of public records and to the Consultant at the Consultant's address listed on its contract with the City or to the Consultant's registered agent. Such notices must be sent by common carrier delivery service or by registered, Global Express Guaranteed, or certified mail, with postage or shipping paid by the sender and with evidence of delivery, which may be in an electronic format.
- (3) A Consultant who complies with a public records request within 8 business days after the notice is sent is not liable for the reasonable costs of enforcement.

(F) **IF THE CONSULTANT HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE CONSULTANT'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS AGREEMENT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT:**

**CITY OF MIAMI BEACH
ATTENTION: RAFAEL E. GRANADO, CITY CLERK
1700 CONVENTION CENTER DRIVE
MIAMI BEACH, FLORIDA 33139
E-MAIL: RAFAELGRANADO@MIAMIBEACHFL.GOV
PHONE: 305-673-7411**

**SECTION 11
NOTICES**

All notices and communications in writing required or permitted hereunder, shall be delivered personally to the representatives of the Consultant and the City listed below or may be mailed by U.S. Certified Mail, return receipt requested, postage prepaid, or by a nationally recognized overnight delivery service.

Until changed by notice, in writing, all such notices and communications shall be addressed as follows:

TO CONSULTANT:	Mary-Suzanne Powell Area General Manager Johnson Controls, Inc. 15901 SW 29 th Street #801 Miramar, FL 33027 Marysuzanne.powell@jci.com
TO CITY:	City of Miami Beach 1700 Convention Center Drive Miami Beach, FL 33139 Attn: Jimmy Morales, City Manager

City of Miami Beach
1700 Convention Center Drive
Public Works Department
Miami Beach, FL 33139
Attn: Roy Coley, Director

COPY TO:

City of Miami Beach
1700 Convention Center Drive
Miami Beach, FL 33139
Attn: Raul Aguila, City Attorney

Notice may also be provided to any other address designated by the party to receive notice if such alternate address is provided via U.S. certified mail, return receipt requested, hand delivered, or by overnight delivery. In the event an alternate notice address is properly provided, notice shall be sent to such alternate address in addition to any other address which notice would otherwise be sent, unless other delivery instruction as specifically provided for by the party entitled to notice.

Notice shall be deemed given on the date of an acknowledged receipt, or, in all other cases, on the date of receipt or refusal.

SECTION 12
MISCELLANEOUS PROVISIONS

12.1 CHANGES AND ADDITIONS

This Agreement cannot be modified or amended without the express written consent of the parties. No modification, amendment, or alteration of the terms or conditions contained herein shall be effective unless contained in a written document executed with the same formality and of equal dignity herewith.

12.2 SEVERABILITY

If any term or provision of this Agreement is held invalid or unenforceable, the remainder of this Agreement shall not be affected and every other term and provision of this Agreement shall be valid and be enforced to the fullest extent permitted by law.

12.3 WAIVER OF BREACH

A party's failure to enforce any provision of this Agreement shall not be deemed a waiver of such provision or modification of this Agreement. A party's waiver of any breach of a provision of this Agreement shall not be deemed a waiver of any subsequent breach and shall not be construed to be a modification of the terms of this Agreement.

12.4 JOINT PREPARATION

The parties hereto acknowledge that they have sought and received whatever competent advice and counsel as was necessary for them to form a full and complete understanding of all rights and obligations herein and that the preparation of this Agreement has been a joint effort of the parties, the language has been agreed to by parties to express their mutual intent and the

resulting document shall not, solely as a matter of judicial construction, be construed more severely against one of the parties than the other.

12.5 ENTIRETY OF AGREEMENT

The City and Consultant agree that this is the entire Agreement between the parties. This Agreement supersedes all prior negotiations, correspondence, conversations, agreements or understandings applicable to the matters contained herein, and there are no commitments, agreements or understandings concerning the subject matter of this Agreement that are not contained in this document. Title and paragraph headings are for convenient reference and are not intended to confer any rights or obligations upon the parties to this Agreement.

[REMAINDER OF THIS PAGE LEFT INTENTIONALLY BLANK]

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their appropriate officials, as of the date first entered above.

FOR CITY:

CITY OF MIAMI BEACH, FLORIDA

ATTEST:

By: _____
City Clerk

City Manager

Date: _____

FOR CONSULTANT:

JOHNSON CONTROLS, INC.

ATTEST:

By: _____

Print Name and Title

Print Name and Title

Date: _____

EXHIBIT A – SCOPE OF SERVICES

Phase 1A

1. Engagement Plan:

Consultant shall develop and implement an engagement plan for communicating with City of Miami Beach stakeholders the need for smart street lighting; the benefits to the City of Miami Beach related to improved public safety, equality of access, and revenue; and the preservation plan for unique neighborhood aesthetics.

The engagement plan will include the following:

One (1) Ideation Session with City of Miami Beach Staff, Public Safety Department, Environmental and Sustainability Department, IT Department, and Finance Department to discuss the plan and optimal areas of focus, key stakeholders, and technology requirements to be held at 1755 Meridian Ave. Consultant's responsibilities for the Ideation Session include: ***coordination of meeting, scheduling venue, calendar invites, draft invitation letter, securing RSVP of additional agency stakeholders, meeting material preparation, set up, breakdown and preparing meeting summary.*** The day long ideation session will gather key city stakeholders in a facilitated workshop setting to develop consensus around short-term and long-term priorities for implementation of smart city infrastructure, applications and services. Initial exercises will focus on defining measures of success and prioritizing needs based on importance to the City of Miami Beach. The workshop will then evaluate and prioritize future smart city capabilities based on their impact to city operations (efficiency, productivity, and cost) and impact on the community (services, safety, sustainability, and resilience). The workshop will close with a discussion of next steps and required actions.

Organize maximum of ten (10) meetings with city representatives or stakeholders, HOAs, and committees. Any additional Ideation sessions requested by the City of Miami Beach will be billed on a Time and Material basis. This task will involve Consultant securing a place on the Commission/Counsel meeting or Planning/Zoning Board as an informational item. In order for Consultant to schedule meetings, the City of Miami Beach will provide required information and assistance to be included on the agenda for the respective meetings. Consultant's responsibilities for this task includes:

Project research and development of stakeholder list.

Identify and research technical groups and general public.

Develop participation list and outreach timeline.

Research and provide list of key stakeholders, agency representatives, community groups, general public.

Coordination of meeting, scheduling venue, calendar invites, draft invitation letter, securing RSVP of additional agency stakeholders,

meeting material preparation, set up, breakdown and preparing meeting summary.

Conduct six (6) Smart Street Lighting Plan informational presentation sessions including experts from the Illumination Engineering Society, Johnson Controls Lighting Engineers, Virginia Tech Transportation Institute experts, Connectivity Engineers from Hotwire Communications, Jacobs, Levatas; facilitated by Infinite Source Communications. Informational presentation sessions will be held at City of Miami Beach determined locations on mutually agreed dates and times. To be held at Miami Beach determined locations on mutually agreed dates and times - two in North Beach, two in Middle Beach and two in South Beach. Consultant's responsibilities for the presentation sessions include: identifying/securing meeting site, advertisements/announcements, sign-in sheets, name tags, audio recording.

Technical Review Committee - Coordination, set up and follow-up. Conduct three (3) Technical Review Sessions with appointed elected official representatives, technical experts, key stakeholders, and agency representatives to discuss: Purpose and need (meeting 1); Alternatives (meeting 2); and Final plan (meeting 3). Final Plan Meeting is held to receive feedback in conjunction with the public.

Develop messaging to City of Miami Beach Residents on the need for smart street lighting and technology infrastructure within the City of Miami Beach via internet broadcasts, social media messaging, email, and mailed flyers; including messaging on dates and locations for informational presentation sessions.

Develop and identify property commercial and residential owner list, confirm contact information and property pull from Miami Dade Property search and delivered electronically to the City.

Key Deliverables during this task:

Ideation Session with Recommendations to Implement in Phase 2

- *Discussion items considered that will be promoted further, listed in priority order;*
- *Discussion items considered and rejected with no further consideration;*
- *Qualitative matrixed evaluation scoring of each of the criteria outlined in the Ideation Scope;*

Informational & Key Stakeholder Presentation Sessions

- *Copies of formal presentations for record purposes;*
- *Discussion items considered that will be promoted further, listed in priority order;*
- *Discussion items considered and rejected with no further consideration;*
- ***Smart Street Lighting Plan informational presentation sessions***

Technical Review Sessions

- *Discussion items considered that will be promoted further, listed in priority order;*
- *Discussion items considered and rejected with no further consideration;*

Collateral and Messaging for Residents

- *Copies of collateral that will be distributed to the Residents;*
- *Plan of the means and methods for messaging to the Residents;*

2. Urban Lighting Inventory

This Agreement covers work within the current boundaries of City of Miami Beach-owned properties and corridors in which the City of Miami Beach controls, oversees, and maintains all lighting equipment of conduit, fixtures, poles, and other power supply equipment. The City of Miami Beach shall confirm city boundaries with Consultant prior to work commencement.

Lighting Plan scope includes the following tasks:

Perform Urban Lighting Inventory

Phase 1a Project Execution plan / Timeline Perform Urban Lighting Inventory

Consultant shall complete an inventory of existing City of Miami Beach- and Florida Power & Light-owned lighting pole/fixture locations and light fixture type for the 169 miles of City of Miami Beach roadways, along with municipal-owned landmarks, buildings, structures, and public corridors within the public parks, City of Miami Beach boardwalk, public schools and youth centers located within the City of Miami Beach using the existing city database.

The following data will be collected (as applicable or available):

***GPS location of each asset
Asset ID number (if present)
Asset owner (city or utility)
Pole type, height, and material
Arm type and material
Fixture type
Lamp type and wattage
Type of service (e.g. overhead, underground)***

Condition of pole/arm/fixture/lamp
Photos of each asset including any existing damage
Cross referencing existing database information for accuracy

Key Deliverables for Lighting Inventory:

Perform a 100% street lighting system inventory up to a maximum of 9,000 poles, providing a Microsoft Excel workbook or CSV file containing the available data points for each asset as described herein to the extent the data exists or can reasonably be ascertained

3. Develop Citywide Lighting Standards

Once the inventory is completed, the Consultant will use the inventory of the existing urban lighting system and the available data from City of Miami Beach's lighting photometric analysis to frame the development of a citywide lighting standard.

This scope assumes the following land use types will fall within the boundaries of this scope. The City of Miami Beach will confirm the inclusion of these land use types, or others such as the City of Miami Beach owned, operated, and maintained property within mixed-use land uses, prior to finalizing work plan and approaches by the Consultant.

City of Miami Beach owned, operated, and maintained public right-of-way corridors which contain the City of Miami Beach owned, operated, and maintained lighting infrastructure.

City of Miami Beach owned, operated, and maintained site lighting around buildings and facilities within Civic and Government Use and the Convention Center District.

City of Miami Beach owned, operated, and maintained parking facilities and open space within public right-of-way corridors, Civic and Government Use and Convention Center District land uses, covering exterior lighting infrastructure.

The Consultant's approach to developing citywide lighting standards will utilize as a governing standard the practices recommended by the Illuminating Engineering Society of North America (IESNA) to address sustainable lighting strategies that provide greater connectivity among the City of Miami Beach's specific neighborhoods, historic districts, and targeted economic centers and will consider feedback received from the public outreach in the Engagement Plan.

This scope covers the development of lighting standards for the following zoning districts:

Corridors – Arterial, Collector, Local (3 types)

Parking

Hospital District

Civic and Government Use/Parks

Convention Center District

Multifamily, Planned Residential Development Districts

Waterway Districts

The Consultant will also confirm areas of the City or zones deemed as economic activation zones with the City of Miami Beach, or other areas where special consideration must be given for lighting standards that are not covered above or having overlapping zones such as historic districts, environment preservation areas, or transit corridors. This scope assumes up to four (4) of these specialty lighting standards will be developed.

The lighting standards will include the following information:

- Background and Purpose
 - Vision
 - Mission
 - Guiding Principles or Goals
- Luminaire Specification
 - Light sources
 - Color temperature and color rendering index
 - Luminaire specific attributes
- Lighting Design Criteria
 - Introduction
 - Zoning district classifications
 - Lighting Design and calculation approach and requirements
 - Specialty lighting standards

Preliminary Standards will include complete information as listed above. Final standards will incorporate comments from Miami Beach on the Preliminary Standards submittal.

Key Deliverables for Citywide Lighting Standards:

Informational Meetings

Preliminary (50%) Citywide Lighting Standards

Final (100%) Citywide Lighting Standards

Lighting map to illustrate lighting zones and needs suitable for presentation to City stakeholders. Map to be provided in an electronic format.

Lighting design criteria and luminaire specifications

4. Develop Urban Lighting Approach

Perform a Citywide lighting analysis to identify existing lighting levels and deficiencies. Using this analysis, along with the development of citywide lighting standards, the Consultant will apply these standards and research to develop a citywide plan to upgrade the existing urban lighting system.

Key Deliverables during this task:

Submit preliminary Urban Lighting Analysis Report. Report will include:

- ***Street lighting inventory***
- ***Analysis of existing lighting levels***
- ***Identification of areas with deficient lighting compared to existing national standards***

Submit final Urban Lighting Analysis Report. Report will include:

- ***Street lighting inventory***
- ***Analysis of existing lighting levels***
- ***Identification of areas with deficient lighting compared to new Citywide Lighting Standards***
- ***Recommendations for lighting level changes to comply with new Citywide Lighting Standards***

5. Revenue Generation

Consultant will identify the preliminary costs for implementation and an indicative range of potential revenue generation for smart city technologies and services. Potential revenue generating options include:

1. Leasing space on vertical assets – The market value for the City of Miami Beach’s vertical assets (light

poles) cannot be fully established until the Smart Street Lighting design, specification and Request for Proposal documents are completed and market competitive proposals are received and evaluated compared to the RFP. Per State Statute, the models will nominally reflect \$150 annually per pole to deploy small cell technology until such time that the City of Miami Beach advises otherwise.

2. Public WiFi – Utilizing the Smart Lighting grid wireless access could be made available. There are several companies in the market that will operate this service for the right to sell advertising.
3. High speed data networks / streaming services – By including a fiber optic network in the Smart City plan the city will have the potential to lease space for network. There are several scenarios that would generate ongoing revenue for the City of Miami Beach.
4. Data APIs and Actionable Insights - The Design and Data teams anticipate, depending upon the design and applications selected by the City of Miami Beach, an opportunity to market several distinct data sets to local small businesses as well as corporations which consume such data and insights. These opportunities will be presented to the City of Miami Beach for consideration however there will be no plans or modeling for data collection without written direction from the City.

Preliminary Financial Plan and Models will include the following tasks:

Connectivity Monetization Strategy. The Consultant will perform a high-level assessment of wireless connectivity in the City of Miami Beach, which will inform the basis for monetization from wireless carriers from installation of network nodes associated with densification and future 5G buildouts. The Consultant will:

- Create a preliminary financial model based on monetization of network from wireless carriers. This financial model will be based on a work product including a high level heat map analysis of wireless network deficiencies in City of Miami Beach, conversations with wireless carriers regarding wireless augmentation plans in City of Miami Beach, and internal network analysis based on current small cell deployments.

Preliminary data monetization recommendations

- Identify candidate technologies, market data need, and best practices for aggregation, storage, and syndication
- Identify target customers
- Connect data availability to potential use cases and business logic
- Establish short-term and long-term priorities for data usage
- Identify vendor list for audit based off use cases
- Evaluation all existing data sources, and data sources identified in the ideation session, for opportunity value, data quality/availability, and ease of integration

Preliminary Financial Plan and Models will include the following tasks:

Data monetization recommendations

- Initiate negotiations with target customers
- Map out governance roadmap for data quality, master data management, and key governance use cases

Updated Connectivity Monetization Strategy.

- Preliminary financial model based on monetization of network from wireless carriers. Financial Model will include details regarding the estimated number of poles that are likely to be leased to wireless carriers and an absorption model based on their network augmentation over the next five (5) years.

During Phase 1a, Consultant will combine the cost and revenue forecasts into a preliminary financial model to provide the City of Miami Beach with options for investment and revenue generation consistent with the City of

Miami Beach budget and risk objectives. Consultant will work with the City of Miami Beach to secure non-binding agreements for the revenue generating features that are included in the final design.

Key Deliverables for during these tasks:

- Submit Preliminary (Order of Magnitude) Revenue Generation Plan and Models
 - Smart city applications/services with associated network requirements, estimated costs, and revenues
 - List of potential technologies and market value
 - List of potential data customers
 - Preliminary revenue forecast models

RESOLUTION NO. 2017-30077

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE CITY MANAGER, PURSUANT TO REQUEST FOR QUALIFICATIONS (RFQ) NO. RFQ 2017-119-KB, SMART CITY STREET LIGHTING SYSTEM – DESIGN, BUILD, OPERATE, AND MAINTAIN; AUTHORIZING THE ADMINISTRATION TO ENTER INTO NEGOTIATIONS WITH JOHNSON CONTROLS, INC., AS THE TOP RANKED PROPOSER; AND, SHOULD THE NEGOTIATIONS WITH JOHNSON CONTROLS, INC., FAIL, AUTHORIZING THE ADMINISTRATION TO ENTER INTO NEGOTIATIONS WITH CITELUM US, INC., AS THE SECOND HIGHEST RANKED PROPOSER; AND, SHOULD NEGOTIATIONS WITH CITELUM US, INC., FAIL, AUTHORIZING THE ADMINISTRATION TO ENTER INTO NEGOTIATIONS WITH MIAMI BEACH STREET LIGHTING PARTNERS, AS THE THIRD HIGHEST RANKED PROPOSER; AND FURTHER AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT UPON CONCLUSION OF SUCCESSFUL NEGOTIATIONS BY THE ADMINISTRATION.

WHEREAS, on June 7, 2017, the City Commission approved the issuance of Request for Qualifications (RFQ) No. 2017-119-KB for Smart City Street Lighting System – Design, Build, Operate, and Maintain; and

WHEREAS, the RFQ was released on June 14, 2017, with an opening date of August 14, 2017; and

WHEREAS, pre-proposal conference to provide information to the proposers submitting a response was held on June 23, 2017; and

WHEREAS, the City received proposals in response to the RFQ from the following nine (9) firms: Airis USA, LLC; Ameresco, Inc.; Citelum US, Inc.; Horsepower Electric, Inc.; Johnson Controls, Inc.; MasTec North America, Inc.; Miami Beach Smart Lighting Partners; Noresco, LLC; and Siemens Industry, Inc.; and

WHEREAS, on July 26, 2017, via LTC # 382-2017, the City Manager appointed the Evaluation Committee (the "Evaluation Committee"), which convened on August 23, 2017 to consider the proposals submitted; and

WHEREAS, the Evaluation Committee's rankings were as follows: (1) Johnson Controls, Inc.; (2) Miami Beach Smart Lighting Partners; (3) Horsepower Electric, Inc.; (4) Noresco, LLC; (5) Citelum US, Inc.; (6) Ameresco, Inc.; (7) MasTec North America, Inc.; (8) Siemens Industry, Inc.; and (9) Airis USA, LLC; and

WHEREAS, on October 23, 2017, the City Manager, as part of his due diligence in making a recommendation for award to City Commission, requested that firms wishing to be considered for award pursuant to the RFQ make oral presentations; and

WHEREAS, through the oral presentations conducted by the City Manager, the City Manager personally heard from each of the proposers, asked questions of each of the proposers, and was able to form his own impressions based on his review of the proposals and the presentations made to the City Manager; and

WHEREAS, based on the City Manager's due diligence, the City Manager has made a recommendation that differs slightly from the rankings of the Evaluation Committee, but that the City Manager believes is consistent with what a project of this sort will require, and which reflects the City Manager's impression of the demonstrated experience and qualifications of each proposer to move the City forward with improved lighting, proven Smart City technologies, and resident engagement; and

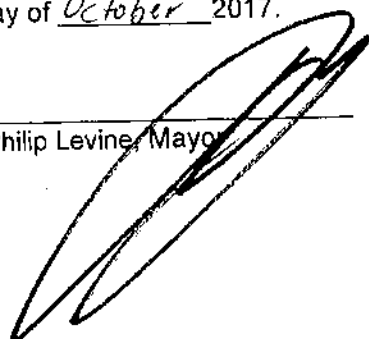
WHEREAS, after review of the proposals and considering the presentations provided by each firm, the City Manager concurs with the Evaluation Committee to the extent that it recommended Johnson Controls as the best qualified firm for the project; and

WHEREAS, with respect to second and third ranked proposers, although the Evaluation Committee has ranked Miami Beach Street Lighting Partners and Citelum US, Inc. as the second and fifth ranked proposers, respectively; it is the City Manager's opinion that the Citelum proposal has provided a combination of qualifications and technological approach that, while not as favorable as Johnson Controls, the highest ranked proposer, would be better suited for the City's requirements than that offered by Miami Beach Street Lighting Partners, a consortium of five (5) firms, and particularly given the City Manager's concerns regarding Miami Beach Street Lighting Partners approach to the deployment of the project and the consortium's approach to its organizational line of authority among the five different firms; and


WHEREAS, for the reasons as specified in the Commission Memorandum accompanying this Resolution, the City Manager has recommended that the Mayor and City Commission authorize the Administration to enter into negotiations with Johnson Controls, Inc., as the top ranked proposer; and, should negotiations with Johnson Controls, Inc., fail, authorize the Administration to enter into negotiations with Citelum US, Inc., as the second highest ranked proposer; and, should negotiations with Citelum US, Inc., fail, authorize the Administration to enter into negotiations with Miami Beach Street Lighting Partners, as the third highest ranked proposer; further, authorize the Mayor and City Clerk to execute the agreement with the successful firm.

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 City Manager pertaining to the ranking of proposals, pursuant to Request for Qualifications (RFQ) No. 2017-119-KB for Smart City Street Lighting System – Design, Build, Operate, and Maintain; authorize the Administration to enter into negotiations with Johnson Controls, Inc., as the top ranked proposer; and, should negotiations with Johnson Controls, Inc., fail, authorize the Administration to enter into negotiations with Citelum US, Inc., as the second highest ranked proposer; and, should negotiations with Citelum US, Inc., fail, authorize the Administration to enter into negotiations with Miami Beach Street Lighting Partners, as the third highest ranked proposer; and further authorize the Mayor and City Clerk to execute an agreement upon conclusion of successful negotiations by the Administration.

PASSED AND ADOPTED this 31 day of October 2017.


Philip Levine, Mayor

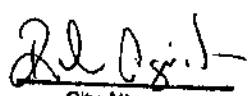
ATTEST:


Rafael E. Granado, City Clerk

T:\AGENDA\2017\10 - October\October 31\October 31\Procurement\RFQ 2017-119-KB SMART City Street Lighting\RFQ-2017-119-KB SMART City Lighting - Resolution v2.doc



APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION


City Attorney RR Date 10-26-17

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Jimmy L. Morales, City Manager
DATE: October 31, 2017

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE CITY MANAGER, PURSUANT TO REQUEST FOR QUALIFICATIONS (RFQ) NO. RFQ 2017-119-KB, SMART CITY STREET LIGHTING SYSTEM — DESIGN, BUILD, OPERATE, AND MAINTAIN; AUTHORIZING THE ADMINISTRATION TO ENTER INTO NEGOTIATIONS WITH JOHNSON CONTROLS, INC., AS THE TOP RANKED PROPOSER; AND, SHOULD THE NEGOTIATIONS WITH JOHNSON CONTROLS, INC., FAIL, AUTHORIZING THE ADMINISTRATION TO ENTER INTO NEGOTIATIONS WITH CITELUM US, INC., AS THE SECOND HIGHEST RANKED PROPOSER; AND, SHOULD NEGOTIATIONS WITH CITELUM US, INC., FAIL, AUTHORIZING THE ADMINISTRATION TO ENTER INTO NEGOTIATIONS WITH MIAMI BEACH STREET LIGHTING PARTNERS, AS THE THIRD HIGHEST RANKED PROPOSER; AND FURTHER AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT UPON CONCLUSION OF SUCCESSFUL NEGOTIATIONS BY THE ADMINISTRATION.

RECOMMENDATION

Adopt the Resolution.

ANALYSIS

In 2016, the City's Public Works Department completed the first step in the preparation of a Citywide Street Lighting Master Plan by conducting a city-wide photometric analysis. In an effort to assess the state of the City's current lighting system. Upon the completion of the photometric analysis, the department found that large areas of the City were either over lit or under lit and that only 18.2% of the City's roadways fall within the acceptable range for illuminance and uniformity when compared to standards. In addition the study recommended the City should work with the industry to develop a Lighting Master Plan that would define the City's lighting goals, improve uniformity, and upgrade existing lighting to LED and to improve operations and maintenance with the implementation of a Computerized Maintenance Management System (CMMS).

In an effort to address the findings, follow recommendations, and to continue the department's efforts for the preparation and implementation of a Citywide Street Lighting Master Plan the solicited for Design, Build, Operation and Maintenance (DBOM) Services from qualified teams with experience in the design, construction, implementation, integration, operation, maintenance, management, and oversight of a Smart City street lighting system ("the Project"), starting with the creation of an overall Smart City LED Street Lighting Conversion Master Plan to guide the vision and direction of the Project. The Smart City LED Street Lighting Conversion Master Plan should "future proof" the City

by planning for the integration of the smart services of tomorrow that the City can implement in a phased approach. The design should apply the concepts of Lighting Master Plan to all elements of the city smart lighting conversion and utilize the improved street lighting network as a platform to not only manage its streetlights, but as an open platform capable of integrating some of the existing smart city initiatives and other smart city services such as smart parking, traffic management, air quality and sound sensors, electrical vehicles charging stations, security cameras, etc., in an effort to upgrade the City's urban lighting systems, to promote energy conservation, public safety, and economic development; and to ensure the effective long-term operation, maintenance, and management of the systems. The City may require a finance component, which will enable the system's upgrade, operation, maintenance and management, while providing a pricing structure that meets the City's cost and budget objectives.

RFQ PROCESS

On June 7, 2017, the City Commission approved the issuance of Request for Qualifications (RFQ) No. 2017-119-KB for Smart City Street Lighting System – Design, Build, Operate, and Maintain. On June 14, 2017, the RFQ was issued. A voluntary pre-proposal conference to provide information to the proposers submitting a response was held on June 23, 2017. RFQ responses were due and received on August 14, 2017. The City received proposals in response to the RFQ from the following nine (9) firms:

- Airis USA, LLC
- Ameresco, Inc.
- Citelum US, Inc.
- Horsepower Electric, Inc.
- Johnson Controls, Inc.
- MasTec North America, Inc.
- Miami Beach Smart Lighting Partners
- Noresco, LLC
- Siemens Industry, Inc.

On July 26, 2017, the City Manager appointed the Evaluation Committee via LTC # 382-2017. The Evaluation Committee convened on August 23, 2017 to consider proposals received. The committee was comprised of Roy Coley, Assistant Director, Public Works Department, City of Miami Beach; David Martinez, Director, Office of Capital Improvement Projects, City of Miami Beach; Margarita Wells, Acting Director, Environment & Sustainability Department, City of Miami Beach and Ana Zecchini, Interim Applications Division Director, Department of Information Technology, City of Miami Beach. The Committee was provided an overview of the project, information relative to the City's Code of Silence Ordinance and the Government Sunshine Law. The Committee was also provided with general information on the scope of services and a copy of each proposal. The Committee was instructed to score and rank each proposal pursuant to the evaluation criteria established in the RFQ. The evaluation process resulted in the ranking of proposers as indicated attachment A, in the following order:

- 1st Johnson Controls, Inc.
- 2nd Miami Beach Smart Lighting Partners
- 3rd Horsepower Electric, Inc.
- 4th Noresco, LLC
- 5th Citelum US, Inc.
- 6th Ameresco, Inc.
- 7th MasTec North America, Inc.
- 8th Siemens Industry, Inc.
- 9th Airis USA, LLC

Furthermore, on October 23, 2017, the City Manager, as a part of his due diligence in making a recommendation for award to City Commission, requested presentations by firms wishing to be considered for award pursuant to the RFQ.

CONCLUSION

The recent photometric analysis of the City lighting indicated that certain improvements are needed to address deficiencies in how certain City areas are illuminated. In addition, the emerging fields of technology under the umbrella known as "Smart City" provide some exciting possibilities for addressing the lighting improvements in a proactive and future-driven manner, as well as possibly moving towards the ultimate goal of an interconnected City. Finally, many of the Smart City technology providers have deployed solutions to engage both residents and staff, through the use of computerized maintenance management systems (CMMS), to better manage and maintain these systems. For all of these reasons, I have determined that this project, with its current and future opportunities to maximize services to residents, while simultaneously assisting staff in improving the effectiveness and efficiency of City street lighting and Smart City operations, is an incredibly important project for the Administration.

Because of the potential impact of this project, following the Evaluation Committee's initial review of proposals, I requested each proposer to make presentations of each team's qualifications and project approach as part of my due diligence in making an award recommendation to the City Commission. I found this to be an important step in my due diligence because the RFP clearly indicates that, despite the results of the Evaluation Committee process, my recommendation to the City Commission may differ from the proposer ranking resulting from the Evaluation Committee's review of proposals. The sessions were informative and highlighted important aspects of both qualifications of the firms and each team's approach to the project. While, in the end, my recommendation does differ somewhat from the rankings of the Evaluation Committee, I do believe that my recommendation is consistent with what a project of this sort will require to be successful and what I believe are the demonstrated experiences and qualifications of each proposer to move the City forward with improved lighting, proven Smart City technologies, and resident engagement.

After review of the proposals and considering the presentations provided by each firm, I concur with the Evaluation Committee and find Johnson Controls to be the best qualified firm for the project. Johnson Controls is already a lead provider in Smart Building technologies, and is proving itself as leader in emerging field of Smart City technologies. The firm, in my opinion, presented the most comprehensive qualifications package for today's needs, including lighting improvements around the City, as well as creating a vision for a Smart City future. In addition to its experience in lighting improvement projects, its proposal has well documented its team's experience including some of the following highlights:

- a well-rounded team of experts in lighting master plans and improvements, the engineering expertise of CH2M, networking services provided by Hotwire Communications, and a careful consideration of the importance of public outreach with the assistance of Infinite Source Communications; and
- proven experience in similar large scale street lighting projects (the City is contemplating approximately 8,200 lighting units); and
- a careful consideration of the environmental impacts of such a project, including the impact to sea turtle habitats; and
- a clear understanding of the importance of public outreach and engagement utilizing local experts, including public outreach professionals currently leading public outreach for the Miami Beach Convention Center renovation project; and
- experience in a delivering a number of projects through public/private financing options that could provide the City with funding/financing options.

With respect to second and third ranked proposers, my recommendation differs from the Evaluation Committee's ranking. The Evaluation Committee has ranked Miami Beach Street Lighting Partners and Citelum US, Inc. as the second and fifth ranked proposers, respectively. While they are both well qualified firms, it is my opinion that the Citelum proposal has provided a combination of qualifications and technological approach that are better suited for the City's requirements and world-class reputation, including:

- proven experience and an understanding of the demands and expectations of working on lighting projects for world class cities (including Copenhagen, Paris, Madrid and Bordeaux); and
- a valuable partnership with Cisco Systems, a leading provider of technology infrastructure solutions for the Smart City functionalities; and
- a careful consideration of the importance of aesthetics, both in street light and other artistic lighting projects; and
- a robust CMMS portal for customers/residents to report issues and to assist staff in managing maintenance of assets.

I would also note that Roy Coley, Public Works Department Assistant Director, who oversees street lighting operations, has also ranked Citelum as the second ranked proposer.

Miami Beach Street Lighting Partners also provided a good set of qualifications, including:

- a well detailed maintenance plan; and
- an understanding of the importance of stakeholder communications; and
- a well-qualified team of individual firms.

However, several areas of Miami Beach Street Lighting Partners raised a number of concerns for a complex and, possibly, longer term project such as this one. Primarily, the proposal, submitted by a consortium of five (5) individual firms, was unclear as to which firm would be the City's primary partner responsible for successful deployment of the project(s). While the RFQ does not specifically prohibit this sort of joint venture, in this case I find the combination of so many firms acting as primary partners with the City not to be advantageous to the overall success of the project. Further to this point, in its proposal Miami Beach Street Lighting Partners has indicated that the City's lead or main point of contact will change throughout the phases of the project. At one time during the presentation, the team did state that the overall lead firm for the project would be Star America, the finance/developer team member. However, this appears to deviate from what the team originally stated in its proposal indicating that there would be several team firms that would be interacting with the City, either solely or simultaneously. The lack of clarity in this area raises concerns for the ability of so many team members to deploy a project successfully, and for the City to hold a single party accountable.

Additionally, while all team firms appear to be individually qualified, the issues raised above are especially concerning since it is difficult to ascertain the number of similar projects that the firms constituting Miami Beach Street Lighting Partners have successfully completed as a team. From its proposal, it appears that four of the five team member firms have collaborated together on only one project.

For the reasons stated herein, I recommend that the Mayor and City Commission approve the Resolution authorizing the Administration to enter into negotiations with Johnson Controls, Inc., as the top ranked proposer; and, should negotiations with Johnson Controls, Inc., fail, authorizing the Administration to enter into negotiations with Citelum US, Inc., as the second highest ranked proposer; and, should negotiations with Citelum US, Inc., fail, authorizing the Administration to enter into negotiations with Miami Beach Street Lighting Partners, as the third highest ranked proposer; further, authorizing the Mayor and City Clerk to execute the agreement with the successful firm.

MIAMI BEACH

COMMITTEE MEMORANDUM

TO: Neighborhood and Quality of Life Committee Members

FROM: Jimmy L. Morales, City Manager

DATE: March 4, 2020

SUBJECT: **DISCUSSION REGARDING POSSIBLE WAYS TO IMPROVE THE HOMELESS ISSUE IN MIAMI BEACH.**

HISTORY:

What causes homelessness?

Homelessness is rarely caused just because a person loses his/her housing. Homelessness, as demonstrated through our client interactions and service histories and reported by Homeless Hub, is the culmination of a series of behaviors and events such as loss of employment, addiction, family disintegration, criminal behaviors, reticence to abide by society's rules and expectations, lack of savings/financial resources, mental illness, etc. While a traditional Continuum of Care model presumes that the problem of homelessness is triggered when a person becomes homeless, the city's engagement of the population has demonstrably shown that the factors of homelessness converge just before the actual loss of housing creating a destabilization that then leads to homelessness. The traditional model of homelessness is a linear experience that begins with the loss of housing and ends with the securing of housing.

All homeless clients were housed at some point in their life, experienced destabilizing events that threatened their housing, subsequently became homeless, and then sought a solution to their housing challenges that fit into their respective social framework (including personally-secured housing, government-supported housing and even ongoing homelessness). The graphic below, created by city staff to demonstrate a typical client service path, synthesizes this process through the client's perspective. (See Exhibit A, Chart 1)

A study recently published by the *Los Angeles Times* examined survey results from more than 4,000 point-in-time surveys conducted in Los Angeles. The survey found that "76% of individuals living outside on the streets reported being, or were observed to be, affected by mental illness, substance abuse, poor health or a physical disability."

While our city offers shelter as part of its efforts to help the homeless, most of the city's homeless persons decline services. Of the 1,480 people who self-identified as homeless this past fiscal year, only 442 accepted shelter. Alternatively, 206 adults accepted relocation services and very few availed themselves to any other service.

More so, an in-depth analysis of the homeless adults who received relocation services found that 81% had multiple homeless experiences prior to arriving to the city. Of these, 74% had an arrest history and 44% had been arrested for violent offenses. When relocated, only 53% returned to where they were before they came to Miami Beach. This data

reinforces not only the transient nature of the population but also the behavioral factors that can influence their homelessness.

Who are the homeless?

Homelessness is an international problem with local impacts. As one of only two municipal outreach teams in the County, our City is the only municipality that staffs a Homeless Outreach Team (HOT) and operates a walk-in center. Our multi-cultural team manages 57 shelter beds funded fully by the City. These beds are located at three different shelters (Miami Rescue Mission, Camillus House and The Salvation Army to ensure that the City can offer placements appropriate to the homeless person seeking help. In addition to the beds purchased by the City, the Miami-Dade County Homeless Trust provides the City an additional 40 beds, when available.

According to the U.S. Department of Housing and Urban Development's Annual Point-in-Time Count, there are 552,830 people experiencing homelessness in the United States on any given night. The point-in-time count is conducted by volunteers and staff twice a year in a countywide effort to count people who appear homeless. The most recent count was held on Thursday, January 23, 2020. The August 2019 count for Miami Beach count was 169 --- an eight percent drop from the previous year. Miami-Dade County's overall count was 1,148, a four percent increase. The City is still awaiting the count for the January 2020 census from the Homeless Trust. The January count occurred after a full day of rain which may have lowered the total number of homeless counted.

The chart below tracks the annual January point-in-time count for the past four years as well as the actual number of self-identified homeless persons that the city has encountered through its Homeless Outreach Team and Police. As the data demonstrates, the population is highly transient. Furthermore, despite the relative stability of the Point-in-Time Count, the actual number of homeless people who have passed through our city is down by 25 percent since FY 15/16. (See Exhibit A, Chart 2)

Thankfully, our city's proactive homeless prevention efforts are effective at ensuring that few families become homeless in our city through proactive rent and utility assistance services. If a family does become homeless, the city provides immediate housing services including the use of hotels when shelters are at capacity or a family becomes homeless overnight. While there are homeless women in the city, the city's homeless population is predominantly male.¹ (See Exhibit A, Chart 3)

The City currently provides homeless services to persons who live and/or work within the City as demonstrated by:

- Last verifiable residential address within the City including loving evictions
- Eviction from verifiable address within the City
- Aged out of Miami Beach foster care home
- Receipts for hotel stay within City within the previous 30 days
- Child's enrollment in Miami Beach feeder pattern school
- Discharges from Mount Sinai Medical Center with multiple hospital encounters over at least 30 days
- Homeless persons served by the Miami Beach Library and St. Francis' Church whose staff verify person's status via their respective programs
- Community members who can verify homeless status over at least a 30-day period
- Verified non-housed resident as documented by street outreach encounters or police field contact forms as documented for at least a 30-day period

ANALYSIS

What does the city do to address homelessness?

Our residents have ranked homelessness as their highest priority according to the *2019 City of Miami Beach Resident Survey* with 22% ranking it as the most important city service and ranking satisfaction at 30%.

In order to serve the needs of our community's homeless persons, the city provides a variety of services including:

Services	Objective
Street outreach	Engage the homeless on the streets, in libraries, and houses of worship and avail them to services to end their personal homelessness
Walk-in center	Physical location that the homeless can go to get help
Shelter beds	Providing short-term housing to enable homeless clients the ability to access services and employment to end their personal homelessness
Care coordination	Strengths-based case management that supports individualized care plan designed for client independence and sustainable housing
Identification document replacement	Replace birth certificates, identification cards, work permits, etc. to enable employment and application for entitlements and housing
Employment transition program	Provides a 32-hours paid employment experience and new work and interview clothes for people transitioning from the streets to shelter and easing back into the workforce
Family/friends reunification	Reconnects a homeless person to natural supports who are willing and able to provide stability and a fresh start. The city provides bus transportation within the contiguous 48 states
Down payment/rent assistance	Provides security and/or down payment assistance to homeless clients who have established a sustainable income source that can support independent housing
Transportation	Connecting homeless clients to day services and detoxification care
ACCESS Florida services	On-site application for state-managed entitlements including Supplemental Nutrition Assistance Program and LifeLink cell phone providing clients a running start to stabilization and then employment
Client advocacy with Social Security Administration	For clients entitled to disability, retirement or survivors' benefits, advocacy provides much-needed support and guidance through a complicated, burdensome process
Wage theft advocacy	Vulnerable populations, such as the homeless, are often victims of wage theft and are unfamiliar with the avenues available to reclaim what they have rightfully earned
Criminal records expungement	Arrests are a common experience for many homeless. Expunging these records can eliminate a barrier that prevents gainful employment which, in turn, can lead to independence
Lazarus Program outreach	Targeted mental health outreach for mentally ill, chronically homeless adults
Free tax preparation services	For low-income wage earners, the annual tax refund check is a fresh financial start. With free tax preparation services, homeless clients can access this personal resource and

The city is currently finalizing details for a joint effort with Miami Beach Community Health Center to provide outpatient addiction services for homeless adults who wish to end their addiction and are prepared to accept shelter and care coordination services. On Thursday, February 20, 2020 the City was awarded \$248,153.00 by South Florida Workforce to align job placement services with outreach to expedite employment placement as part of the stabilization process from homelessness to independence.

While the city operates the only municipal homeless walk-in center, its most effective engagement tool is street outreach. In addition to its own outreach workers, the city partners with HOPE in Miami-Dade, Inc. to engage the faith community in outreach efforts. The city also works with Camillus House and resident volunteers to do outreach Monday through Friday including targeting those with persistent mental illness.

What do other cities do?

Homelessness is arguably one of the greatest social challenges confronting communities across America. From New York to California and on to Alaska and Hawaii, the cost and frustration of homelessness has spurred a variety of strategies with mixed results.

This year, the city of New Orleans touted the success of its Housing First efforts which priorities the provision of housing for homeless persons who are chronically homeless and present a disabling condition. The report, which was shared through the Associated Press, “shows the number of chronically homeless — those with disabilities who have been on the street or in a shelter for more than one year — is down significantly, but the number of other homeless adults has increased by 20% in the past two years. And the number of families seeking shelter in New Orleans is up this year.”

Housing First is an expensive effort. The local area government assumes the private housing costs of these clients in addition to the operating costs for support services (such as mental health and addiction services) which are voluntary as Housing First clients are not compelled to address the conditions that lead to their individual homelessness. More so, the local government commits to continuing the housing subsidies until either the client chooses to assume the housing cost for himself, the client abandons the unit, or the client dies. Please note that clients can pay no more than 30% of their income towards housing costs when enrolled in a Housing First program which results in ongoing subsidies even when the client contributes towards the rent.

Miami Beach supports permanent housing for its homeless client in two ways: providing rent assistance to transition from shelter to private, sustainable housing and promoting the city's First-time Homeowner Program which provides down payment assistance for first-time homeowners who provide 2% down.

In Seattle, the city has endorsed the use of homeless camps by providing internet access, waste receptacles and portable bathrooms as stopgap measures while resources were aligned to help the homeless access traditional services. Rather than reducing the number of homeless, “trends show that combined efforts of Puget Sound, including the Seattle/King County Coalition on Homelessness... that the numbers experiencing homelessness in the region are continuing to climb.”

In Los Angeles, the homeless population has grown as more money has been invested in the problem. One of the initiatives initially lauded was the effort to provide restrooms for the homeless. When the proposal for restrooms was first undertaken, the cost was minimal and was immediately approved for funding. According to the *Los Angeles Times*, the City of Los Angeles “has estimated that staffing and operating a mobile bathroom can cost more than \$300,000 annually. During budget talks this spring, city officials estimated that providing toilets and showers for every homeless encampment in need would cost more than \$57 million a year.” As the discussion regarding increased costs continues, “the Los Angeles Homeless Services Authority recently reported that the homeless population grew by 16% in the city this year, reaching more than 36,000.”

Los Angeles followed San Francisco which was the first to launch mobile bathrooms to serve the homeless. In San Francisco, the toilets cost roughly \$200,000 each to operate annually, depending on the hours, said Rachel Gordon, a

spokeswoman for San Francisco Public Works, as reported by the *Los Angeles Times*. In 2019, San Francisco reported that 8,011 people met the federal definition of homeless, an increase of 17 percent from 2017.

Why does the city employ multiple strategies?

In addition to shelter, the city offers a variety of services that are foundational to employment, housing and entitlements including the replacement of birth certificates, state-issued identification and lost or expired immigration documents, among others. Homeless clients may access these services even if they decline shelter or relocation services. By making these services available, homeless clients may take charge of their circumstances and solve their personal homelessness on their own terms without the structured framework of shelter and care coordination which are meant to provide support and guidance through a tumultuous and challenging process.

The city's various strategies and services balance the need to end homelessness with the individual's right to self-determination and independence. Our supports, including shelter and rent assistance, are meant to leverage a person's decision to end their personal homelessness with the services needed to achieve independence.

CONCLUSION:

The city employs a variety of strategies and services to support homeless persons' decision to end their personal homelessness. These efforts have resulted in a 25% decrease in homelessness in the past four years. As noted in the city's *2019 Strategic Plan*, the city will continue to explore innovative and sustainable ways to address homelessness.

Applicable Area

Not Applicable

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?

No

Does this item utilize G.O. Bond Funds?

No

Strategic Connection

Mobility - Address homelessness.

ATTACHMENTS:

Description	Type
 Exhibit A	Memo

DISCUSSION REGARDING POSSIBLE WAYS TO IMPROVE THE HOMELESS ISSUE IN MIAMI BEACH.

Exhibit A

Chart 1-Service Paths of Homelessness:

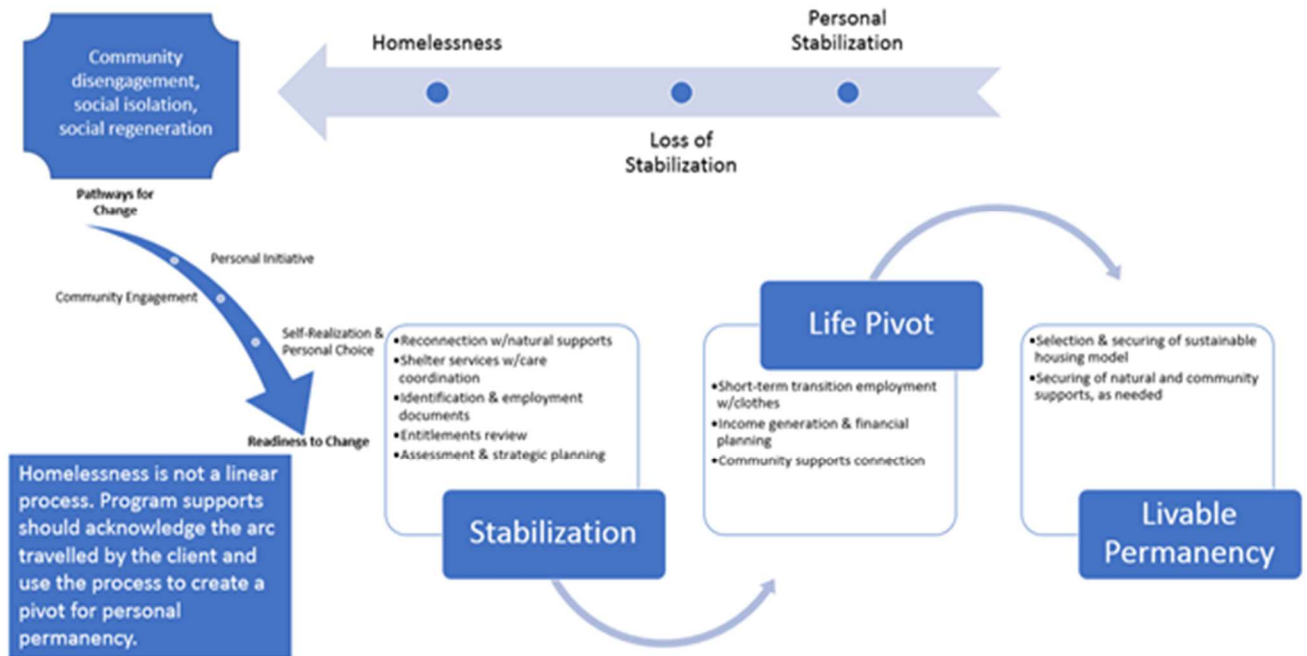
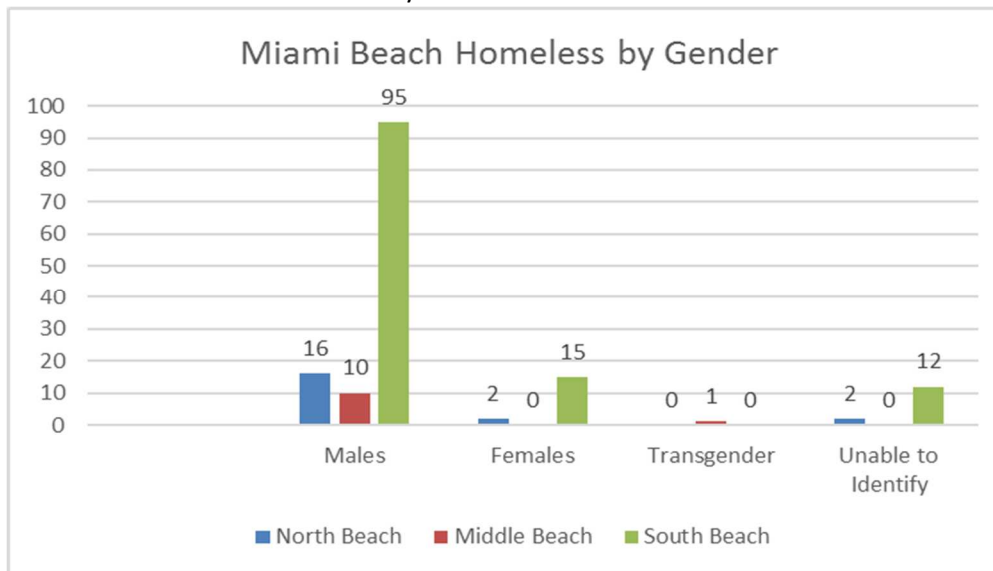


Chart 2-Miami Beach Point in Time Census:

	FY 15/16	FY 16/17	FY 17/18	FY 18/19
Point in Time Census	156	133	124	153
Total Homeless Citywide	1,998	1,571	1,377	1,480
Average Daily Homeless	115.51	90.82	87.05	97.27

Data Source: City of Miami Beach Client Management Information System (CIMS) and Morning Counts

Chart 3-Miami Beach Homeless by Gender:



1-The chart depicts the demographic breakdown for the August 15016, 2019 Point-in-Time Count.

MIAMI BEACH

COMMITTEE MEMORANDUM

TO: Neighborhood and Quality of Life Committee Members

FROM: Jimmy L. Morales, City Manager

DATE: March 4, 2020

SUBJECT: **DISCUSSION REGARDING CRIME IN MIAMI BEACH - UPDATE**

HISTORY:

Commissioner Gongora has requested the Police Department provide periodic updates on crime in the City of Miami Beach.

ANALYSIS

The UCR data (attached) is the official data collected nationally on crime. It is the only way to compare an individual city's record over time on crime or one city's crime to another's. Each city reports its data to the state, which in turn reports it to the FBI.

UCR data consists of seven major index (or Part 1) crimes. They are homicide, rape, robbery and aggravated assault (i.e., the violent crimes) and burglary, larceny and auto theft (i.e., the property crimes). The definitions of some of these crimes differ in how they are counted by the FBI and by Florida under our state statutes. Therefore, the Police Department reports our crime to the State of Florida this time of year. Our reported crimes are validated by the State, adjusted to be made consistent with the FBI UCR definitions, and then forwarded to the FBI. The FBI releases an official report for all participating cities for the prior year each June.

CONCLUSION:

The Police Department will be ready to discuss the information provided during the committee meeting.

Applicable Area

Citywide

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?

Yes

Does this item utilize G.O. Bond Funds?

No

Strategic Connection

Neighborhoods - Prevent and solve crime for residents and visitors.

ATTACHMENTS:

Description	Type
 UCR Statistics	Other



RECORDS UNIT SNAPSHOT 2019 vs 2018 COMPARISON

UCR PART I COMPARISON				
PERIOD COVERED: JANUARY 1 - DECEMBER 31				
	% CHANGE	2019	2018	
HOMICIDE	20.00%	6	5	
RAPE	-4.17%	92	96	
ROBBERY	1.79%	284	279	
AGGRAVATED ASSAULT	-4.28%	470	491	
TOTAL VIOLENT	-2.18%	852	871	
	% CHANGE	2019	2018	
BURGLARY	10.99%	717	646	
LARCENY	-0.14%	5,894	5,902	
AUTO THEFT	-8.27%	366	399	
TOTAL NON VIOLENT	0.43%	6,977	6,947	

TOTAL PART I

2018	7,818
2019	7,829

0.14%

MIAMI BEACH

COMMITTEE MEMORANDUM

TO: Neighborhood and Quality of Life Committee Members

FROM: Jimmy L. Morales, City Manager

DATE: March 4, 2020

SUBJECT: **DISCUSSION REGARDING IMPLEMENTING A POLICING PLAN.**

ANALYSIS

The purpose of this memorandum is to provide an update on the implementation of the policing plan for the Miami Beach Police Department. Since the appointment of Richard Clements as Chief of Police, numerous initiatives have been implemented with the goal of enhancing and improving the community policing philosophy department-wide to better serve the community. To accomplish our mission of addressing crime and community concerns, the Patrol Division shift bid process has been reinvented to bring more available resources to each of the respective shifts to better serve the community and address crime and quality of life issues that are identified.

One critical component to enhancing the community policing philosophy was the implementation of the "Tactical Response to Area Concerns" (TRAC) initiative. Created as a tool for area supervisors, TRAC is based on the SARA (Scan, Analysis, Respond, Assessment) model for problem solving. Once an issue has been identified, the area supervisors then analyze the issue and come up with the best plan to deploy resources to address the issue within a specific time period. Once completed, the response and results are assessed to ensure the issue has been resolved. If not, then the process begins again. Since the inception of the TRAC initiative, the area supervisors, at the direction of the area Captains, have initiated thirty-eight (38) TRAC details.

One of the tools created to assist the area leadership with their TRAC details was the implementation of Park & Walks (P&Ws). The simple concept of identifying a location within a patrol area, having an Officer park his vehicle and "walk the beat" to address specific issues and/or interact with our residents and visitors, has had a positive impact. Year to date, Officers in all patrol areas have conducted a total of seven hundred and seventy (770) P&Ws.

Watch orders, a program offered for many years, is also a tool that area leadership can assign for specific issues. Year to date, Officers in all patrol areas have conducted a total of one thousand, two hundred and twenty-eight (1228) watch orders.

The use of alternative modes of transportation in policing continues. Officers working the Entertainment District are assigned to patrol on bicycles daily providing closer interaction between our Officers and the public. Additionally, Officers are also assigned to work on all-terrain vehicles (ATVs) in order to better patrol our beaches and parks where traditional cars/SUVs would not be feasible. These assignments further facilitate our community policing efforts.

The newly created Community Affairs Unit is responsible for the Neighborhood Resource Officers (NRO), the Homeless Outreach Team (HOT), School Resource Officers (SRO), and supervision of the Park Rangers. All four of these components are essential to the new community policing philosophy and to the department's desire to build strong relationships between the agency and the community. For example, the NROs are in constant contact with neighborhood associations and the business community within their areas. They routinely attend HOA meetings and provide free CPTED (Crime Prevention Through Environmental Design) and security surveys to area residents. Year to date, the NRO's have attended fifty-three (53) different meetings and conducted nine (9) CPTED surveys along with many other events including two (2) Valentine's Day events for disabled children and senior citizens.

Our Homeless Outreach Team is the best in the country. Focused on assisting this population, many who have lifelong mental health and substance abuse issues, the primary mission is to offer services and place them into a continuum of care with the goal of getting them off our streets and into a better life. Although placement is the preferred outcome, many choose not to accept our services and instead become chronic offenders that must be dealt with through the criminal justice system. Year to date, the HOT officers have made nine (9) shelter placements, four (4) Baker Acts, one (1) Marchman Act, forty-two (42) misdemeanor arrests, and four (4) felony arrests.

The School Resource Officers are currently assigned to the following schools:

- Miami Beach Senior High School
- Nautilus Middle School
- Feinberg Fisher Elementary School
- Biscayne Elementary School
- North Beach Elementary School
- South Pointe Elementary

The officers assigned to these schools provide an additional security layer and foster a positive relationship with the students and parents. These positive relationships will serve as a good foundation for future police/community relationships. Year to date, the SRO's have attended fourteen (14) PTA meetings, provided Kindergarten Cop programming regarding road safety and bullying in nineteen (19) classrooms each month, and fourteen (14) students from Miami Beach High School participated in the Big Brother, Big Sister mentoring program.

The Park Ranger program has been very successful in interacting with the public and enforcing low level quality of life issues. From dealing with dogs off leash in the park to helping PD capture wanted persons, the Park Rangers are a tremendous asset to the City. Year to date they have given over seven thousand (7000) verbal warnings for issues such as dogs off leash, open alcohol, bikes on pier, jumping off the pier, styrofoam coolers, and many more. They've assisted PD sixty-four (64) times, conducted over six hundred and fifty (650) welfare checks on the

homeless, and conducted over eight thousand, one hundred (8100) spot checks at the various parks. Their contribution to the policing plan is invaluable.

As with any policing plan, priorities and strategies are continuously evolving. The vision for our agency is to provide a safe, welcoming environment for everyone to enjoy. As challenges and opportunities arise, we remain flexible and open to modification of our plans.

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?

No

Does this item utilize G.O. Bond Funds?

No

MIAMI BEACH

COMMITTEE MEMORANDUM

TO: Neighborhood and Quality of Life Committee Members

FROM: Jimmy L. Morales, City Manager

DATE: March 4, 2020

SUBJECT: **DISCUSSION REGARDING THE BUILDING DEPARTMENT'S PERMITTING PROCESS INCLUDING WALK-IN CUSTOMERS AND THE TIMELINE TO OBTAIN PERMITS.**

ANALYSIS

The building department averages 35 days for permit issuance and processes an average of 1,200 permit applications monthly. A Building commercial new construction permit take an average of about 125 days for issuance.

Average wait times have reduced through modification of the walk through process. We have implemented many of the items in the recommendations of Matrix, following their review. An updated spreadsheet on their recommendations will be presented to committee. The Department has reached out to local homeowners to get feedback on their experience with the permitting process in order to identify additional enhancements.

CONCLUSION:

We prepared a brief presentation of our numbers and appreciate suggestions for further process improvements.

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?

No

Does this item utilize G.O. Bond Funds?

No

ATTACHMENTS:

Description	Type
□ Building Department Permitting Process	Memo

BUILDING PERMITTING PROCESS

Teamwork and coordination

- ▶ Single Family and Duplex
 - ▶ Building Department
 - ▶ Building
 - ▶ Electrical
 - ▶ Flood
 - ▶ Mechanical
 - ▶ Plumbing
 - ▶ Structural
 - ▶ Environment and Sustainability
 - ▶ Environmental
 - ▶ Urban Forestry
 - ▶ Planning Department
 - ▶ Planning
 - ▶ Landscaping
 - ▶ Public Works
 - ▶ Elevator
 - ▶ Right of Way
 - ▶ Miami Dade County
 - ▶ DERM
 - ▶ Impact Fes
 - ▶ Water & Sewer

For commercial properties and multi-family and
condos

- ▶ Fire Prevention

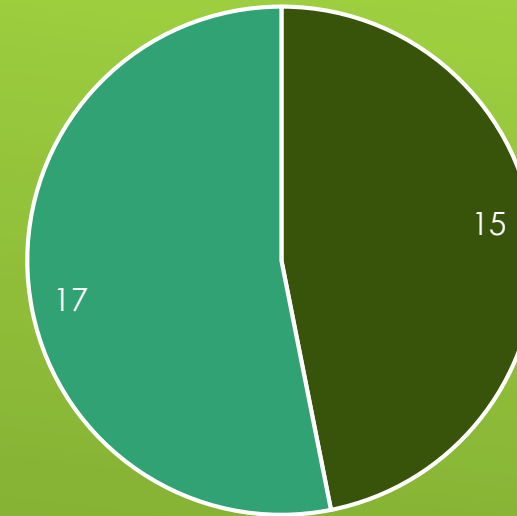
Plan Review on Permit for New Construction

Types of Plans City of Miami Beach reviews in 24hrs

- ▶ Interior Remodel SFR/Duplex
- ▶ Interior Remodel Commercial Level 1
- ▶ Window Replacement (one condo unit or common area of single floor)
- ▶ Railings (building less than 3 stories)
- ▶ Signs and Electrical Signs Fence
- ▶ Awnings
- ▶ Carports
- ▶ Residential Swimming pools
- ▶ Driveway (no parking lot resurfacing with lights)
- ▶ Roofing/Waterproofing
- ▶ Flooring (one unit or common area of one floor, at a time) *
- ▶ Exterior concrete restoration (building less than 3 stories) *
- ▶ Solar Panels *
- ▶ Fire Alarm 15 components (Minor)
- ▶ Fire Sprinkler 15 components (Minor)
- ▶ City Projects *
- ▶ Minor plan revisions **

* 10 Drawing Sheets Max ** 6 Drawing Sheets Max

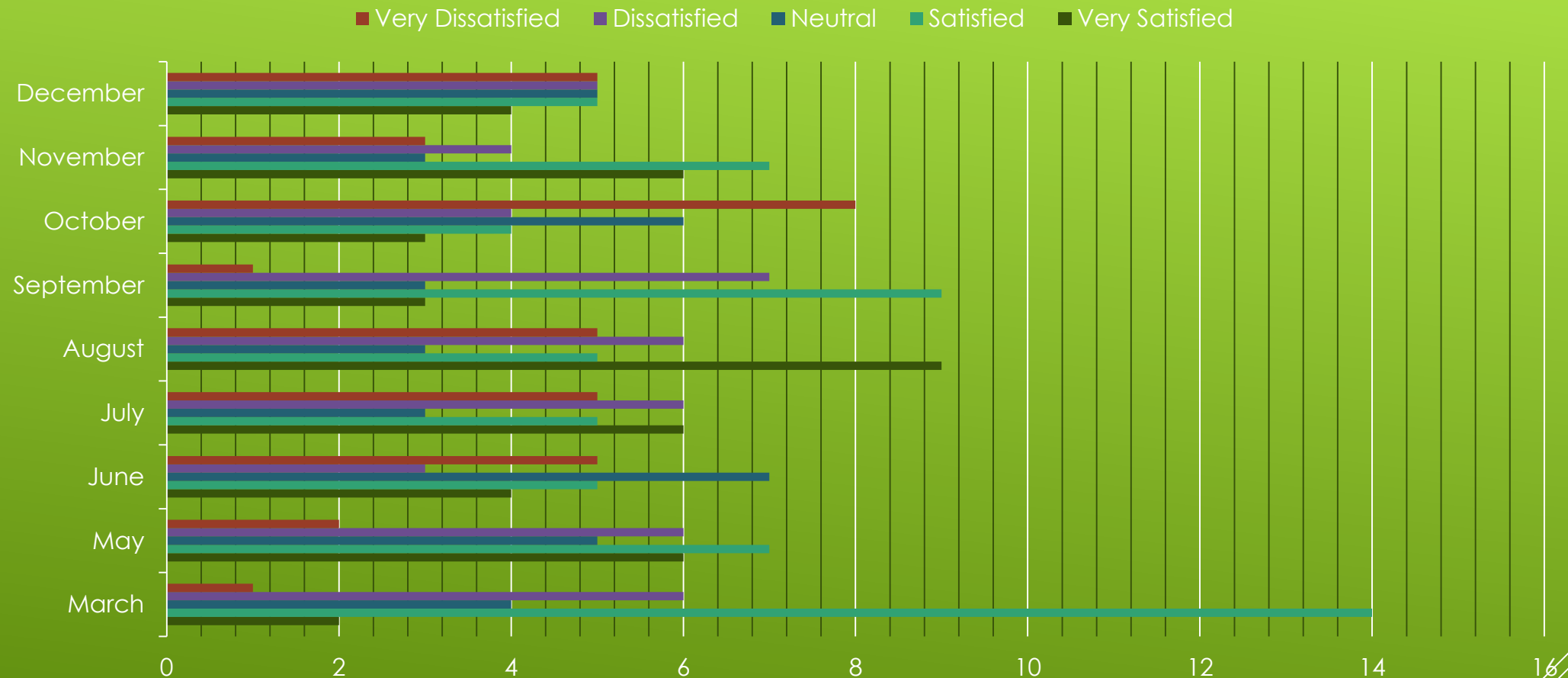
Walk Through Permitting Dade and Broward



■ Allow the process ■ Do not have this process

City of Miami Beach Building Department has the most permit types available in the 24HR process, offering the service to condo's and businesses in addition to Single Family Residences.

Level of Satisfaction *



CUSTOMER SATISFACTION WITH TIME REQUIRED FOR PERMIT ISSUANCE

* 25-30 RESPONDANTS FOR THE 800+ PERMITS ISSUED

Permits issued over the counter

- ▶ Change of Contractor / Change of Qualifier
- ▶ Permit Extensions
- ▶ Flooring Permits (No Bathroom/ No Balcony)
- ▶ Sub Permits Mechanical, Electrical, Plumbing
- ▶ Fire Flow Test
- ▶ Standalone Permits w/o Plan Review
 - ▶ Exact A/C Change-Out ,
 - ▶ Low Voltage
 - ▶ Alarm Labels
- ▶ Permit Cancellations (Applied Status)
- ▶ Portable Toilets
- ▶ Permit renewal ***

*** or e-mail to BP11@MiamiBeachFL.gov

Permits Applied/Issued on-Line

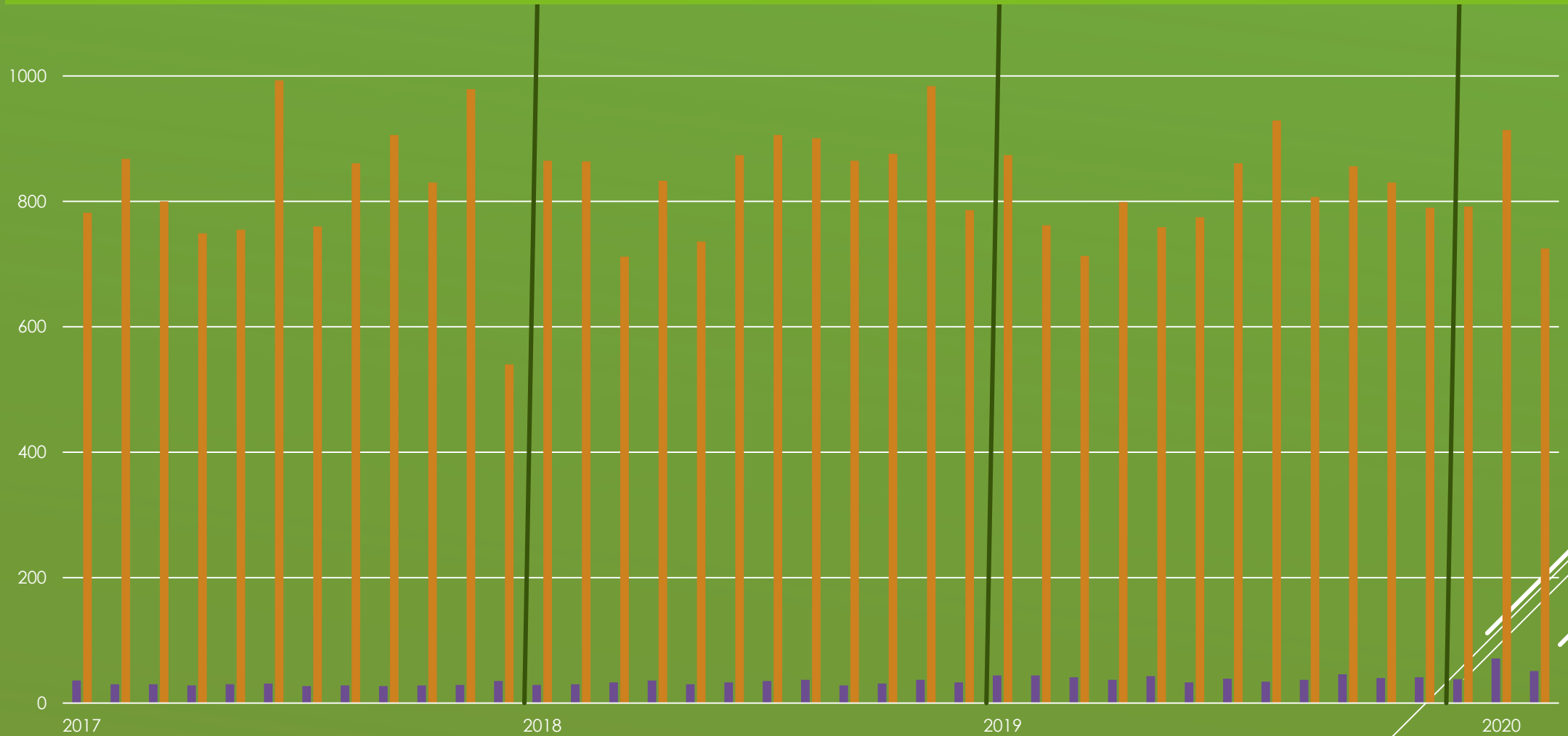
- ▶ Electrical Sub-Permits
- ▶ Mechanical Sub-Permits
- ▶ Plumbing Sub-Permits
- ▶ Portable toilets

Permits Applied on-line

- ▶ Flooring Permit
- ▶ Commercial /Residential/ Condo Alteration
- ▶ Commercial /Residential/ Condo New
- ▶ Commercial /Residential/ Condo A/C
- ▶ Commercial /Residential/ Condo Roof
- ▶ Commercial /Residential/ Condo Generator
- ▶ Commercial /Residential/ Condo Pool
- ▶ Commercial /Residential/ Condo Solar Panels
- ▶ Commercial/Residential/Condo Permit Revisions

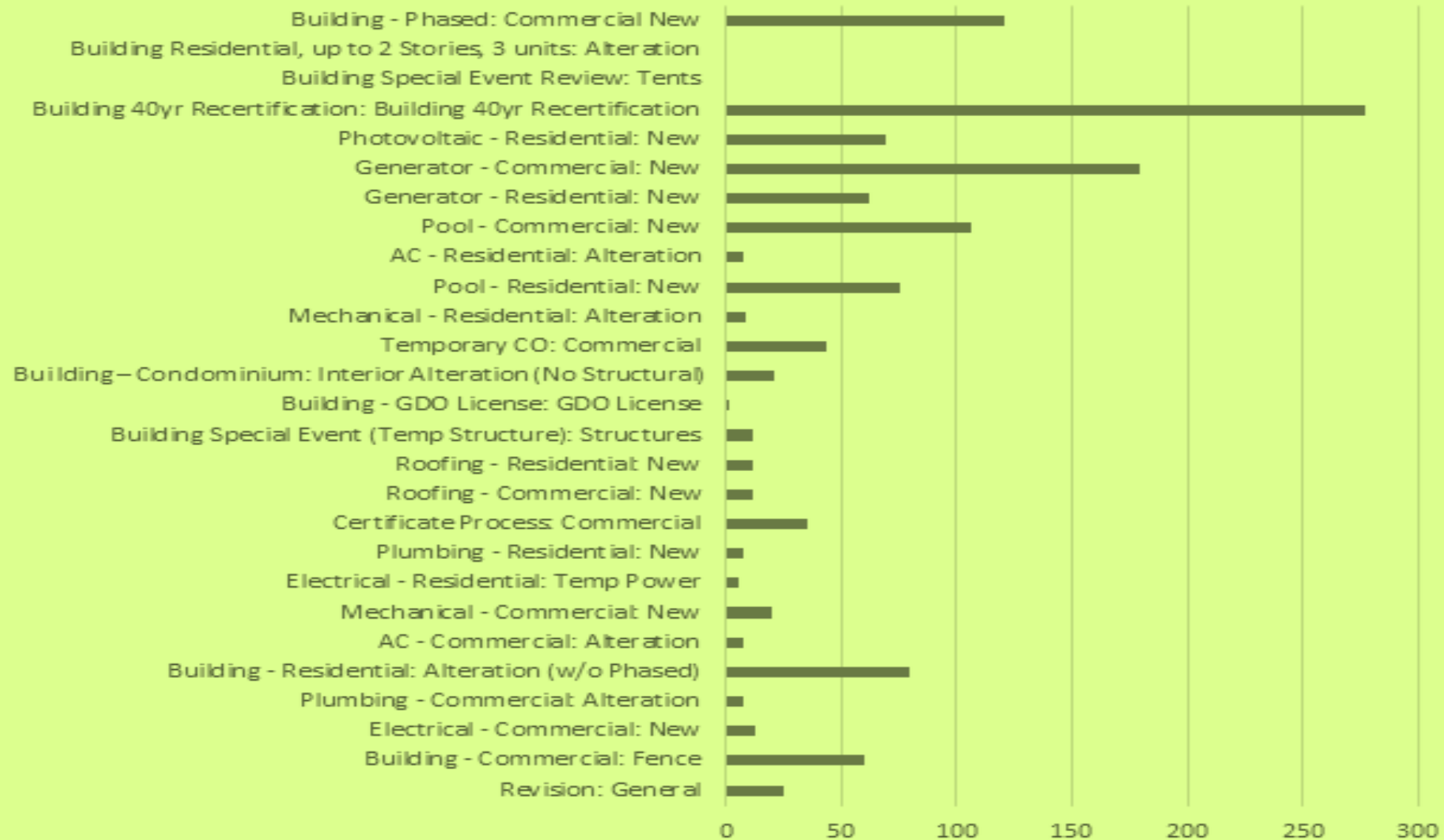
ONLINE AND OVER THE COUNTER PERMITS

Number of Permits & Time to Issuance



 Average days for permit issuance (36 days)  Number of permits issued per month (826)

Average No of Days from application to issuance



MIAMI BEACH

COMMITTEE MEMORANDUM

TO: Neighborhood and Quality of Life Committee Members

FROM: Jimmy L. Morales, City Manager

DATE: March 4, 2020

SUBJECT: DISCUSSION REGARDING THE ADDITION OF A 4-WAY STOP IN THE VICINITY OF 37TH STREET AND SHERIDAN AVENUE TO IMPROVE VEHICULAR AND PEDESTRIAN SAFETY.

HISTORY:

The intersection of 37 Street and Sheridan Avenue currently operates as a two-way stop intersection. The east-west approaches on 37 Street are stop-controlled while Sheridan Avenue traffic is uncontrolled (attachment). There are marked pedestrian crosswalks for all approaches; however, the pavement markings are faded. Both 37 Street and Sheridan Avenue are classified as local roadways.

Following a recent crash at the intersection and concerns raised by residents of the area, Commissioner Steve Meiner sponsored the referral of a discussion item to the Neighborhood and Quality of Life Committee (NQLC) to explore modifying the current intersection traffic control from two-way stop control to an all-way stop control.

The evaluation criteria for multi-way stop signs is outlined in the U.S. Department of Transportation Federal Highway Administration's Manual on Uniform Traffic Control Devices (MUTCD). The MUTCD specifies the minimum criteria that must be met prior to installation of a multi-way stop control at an intersection. The criteria are based on crashes and volumes (vehicular, pedestrian, and bicycle) at an intersection over various periods of time.

The approval, implementation, and maintenance of traffic control devices in Miami-Dade County is under the jurisdiction of the Miami-Dade County Department of Transportation and Public Works; however, to expedite the study and approval process, the City's Transportation and Mobility Department conducts most of the warrant analyses required for multi-way stop controls, pedestrian flashing beacons, and traffic signals and works with the County to expedite the installation, if warranted.

It is worth highlighting that according to the 2019 City of Miami Beach Resident Survey, 74% of respondents expressed that they are most concerned/dissatisfied with pedestrian safety (vehicles not yielding to pedestrians) when crossing an intersection. As such, expediting the implementation of traffic control improvements is a priority for the Administration.

ANALYSIS

To perform the required warrant analysis, the City engages a consultant to collect speed and

volume data for 96 continuous hours (usually Thursday - Sunday). Based on the peak eight hours identified during the 96-hour count, turning movement counts at the intersection are extracted and used for the analysis.

As outlined in the MUTCD, the following criteria must be met for an intersection to meet the warrants for approval of multi-way stop control:

1. Five or more reported crashes in a 12-month period that are susceptible to correction by a multi-way stop; or
2. The vehicular volume entering the intersection from the major street approaches (total of both approaches) averages at least 300 vehicles per hour for any eight hours of an average day; and
3. The combined vehicular, pedestrian, and bicycle volume entering the intersection from the minor street approaches (total of both approaches) averages at least 200 units per hour for the same eight hours, with an average delay to minor-street vehicular traffic of at least 30 seconds per vehicle during the highest hour.

The City's traffic consultant is scheduled to commence the data collection on the week of February 24. Following the data collection, staff will need approximately three weeks to complete the analysis.

Bayshore Neighborhood Traffic Calming Project

In 2017, the City completed a traffic calming study for the Central Bayshore neighborhood. The project includes a traffic circle at the intersection of 37 Street and Sheridan Avenue to mitigate speeding and cut-through traffic at this intersection. The traffic calming plan was approved by City Commission at its May 2017 meeting, and the proposed traffic calming improvements were added to the scope of the Central Bayshore South Neighborhood Improvement project; however, the neighborhood improvement project was placed on-hold in 2018 due to neighborhood concerns with roadway elevation.

As part of the General Obligation Bond (GOB) program, voters approved the allocation of funding for the implementation of the approved traffic calming improvements in the Central Bayshore neighborhood. At this time, the Administration is awaiting the final neighborhood prioritization list from the integrated water management consultant (Jacobs Engineering) to determine if the proposed traffic calming improvements approved in the GOB program should be included in the future Central Bayshore neighborhood improvement project or be implemented as a short-term stand-alone project.

CONCLUSION:

Per Miami-Dade County home rule, the County has jurisdiction of traffic control even within incorporated areas/municipalities. To expedite the study and approval process, the City's Transportation and Mobility Department will collect data and perform the required traffic analysis to determine if the implementation of a multi-way stop control is warranted at the intersection of 37 Street and Sheridan Avenue. Staff expects to present the results of the traffic analysis at the April/May 2020 NQLC meeting.

Applicable Area

Middle Beach

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?

Yes

Does this item utilize G.O. Bond Funds?

No

Strategic Connection

Mobility - Improve the walking and biking experience.

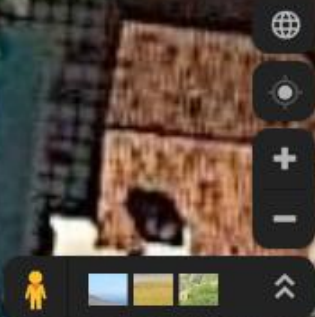
ATTACHMENTS:

Description	Type
 ATTACHMENT	Memo

37th Street



Sheridan Avenue



MIAMI BEACH

COMMITTEE MEMORANDUM

TO: Neighborhood and Quality of Life Committee Members

FROM: Jimmy L. Morales, City Manager

DATE: March 4, 2020

SUBJECT: DISCUSSION REGARDING TRAFFIC AND SIGNAGE AROUND NAUTILUS MIDDLE SCHOOL

HISTORY:

Jefferson Avenue operates as a one-way northbound street between 41 Street and 42 Street.

This section of the corridor serves Nautilus Middle School and the 41 Street commercial corridor. Following reported concerns from residents regarding vehicles driving the wrong way on Jefferson Avenue, at the February 12, 2020 City Commission meeting, Commissioner Mark Samuelian referred a discussion item to the Neighborhood and Quality of Life Committee (NQLC) to discuss potential recommendations to address the reported traffic safety concerns.

ANALYSIS

Transportation and Mobility Department staff conducted on-site observations and identified the need to install 'Do Not Enter' signs at the intersection of Jefferson Avenue and 42 Street as an immediate step to minimize wrong way driving and improve safety. Staff has forwarded a request to Miami-Dade County to expedite the installation of the missing signs.

Furthermore, staff believes that the current configuration of the intersection may be contributing to wrong-way driving. Given the existing concrete separator for right turns and left turns on Jefferson Avenue northbound approaching 42 Street, unfamiliar motorists driving east on 42 Street may be confused and turn right onto Jefferson Avenue to travel southbound, thus driving the wrong way. The Transportation and Mobility Department will engage a consultant in March to collect traffic data at the intersection and determine if geometric modifications would help minimize or eliminate right turns onto Jefferson Avenue. Once staff reviews the traffic data, and if intersection improvements are determined to be feasible, staff will develop a draft concept plan for discussion at the May or June NQLC meeting. Any proposed concept will be reviewed with the Police Department and the Committee for Quality of Education for input.

CONCLUSION:

Based on recent field visits, staff is recommending the installation of 'Do Not Enter' signs at Jefferson Avenue and 42 Street as an immediate step to reduce wrong-way driving on Jefferson Avenue. The request to expedite the installation of the signs has been forwarded to the County.

On a parallel track, traffic data will be collected in March to determine if reconfiguring the intersection of

Jefferson Avenue and 42 Street would help reduce wrong-way driving. If intersection modifications are found to be feasible, the concept will be presented at the May or June 2020 NQLC meeting.

Applicable Area

Middle Beach

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?

Yes

Does this item utilize G.O. Bond Funds?

No

Strategic Connection

Mobility - Improve the walking and biking experience.

ATTACHMENTS:

Description

📎 ATTACHMENT

Type

Memo



W 42nd St

W 42nd St

W 42nd St

W 42nd St

N Jefferson Ave

N Jefferson Ave



Proposed Sign

Existing Signs



MIAMI BEACH

COMMITTEE MEMORANDUM

TO: Neighborhood and Quality of Life Committee Members

FROM: Jimmy L. Morales, City Manager

DATE: March 4, 2020

SUBJECT: **DISCUSSION REGARDING AN UPDATE AND FEEDBACK ON THE
ENGAGEMENT TOOLBOX LAUNCHED IN NOVEMBER 2019.**

HISTORY:

In November, 2019 the Office of Marketing and Communications created the Engagement Toolbox on the City's homepage of the Website. The purpose of the toolbox is to provide a one-stop-shop for easy access to all ways to connect with Miami Beach.

Some of the tools that are linked on this page include MB Magazine digital version, how to sign up to receive text alerts, a link to all Commission meeting and committee agendas, a link to a live map of all FDOT construction projects in Miami Beach, a link to the G.O. Bond web portal and much more.

ANALYSIS

Since the launch of the portal, there has been a promotion of the engagement toolbox on all of our social media accounts, via email blasts and a promotional video was created and shared on the same. A press release was also sent about it on January 14, 2019.

Since the launch of the toolbox there have been 114 visitors to the page. We have also received great feedback from the Miami Beach United Group who has praised the toolbox at meetings and recently discussed sharing a press release themselves about it.

Applicable Area

Citywide

**Is this a "Residents Right
to Know" item, pursuant to
City Code Section 2-14?**

No

**Does this item utilize G.O.
Bond Funds?**

No

ATTACHMENTS:

Description



Press Release

Type

Memo



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

OFFICE OF MARKETING & COMMUNICATIONS, Tel: 305.673.7575

Tonya Daniels, E-mail: tonyadaniels@miamibeachfl.gov

Melissa Berthier, E-mail: melissaberthier@miamibeachfl.gov

PRESS RELEASE

FOR IMMEDIATE RELEASE

January 14, 2019

Miami Beach Launches Engagement Toolbox — *Equipping Residents with the Proper Tools to Be Active Citizens* —

Miami Beach, FL — Serving as the ultimate municipal encyclopedia, the City has launched an Engagement Toolbox webpage — featuring all of the resources residents can utilize to stay informed and involved.

“Our residents are a vital part of our municipal process,” said Mayor Dan Gelber. “To continue to encourage their active participation, we created a one-stop shop for our over 17 city communication channels that connect our community.”

Whether you wish to be alerted when a traffic accident occurs, narrow down topics of interest on the next agenda, or review your recent customer experience at City Hall, the Engagement Toolbox offers these options and more.

“Sharing an idea and staying up-to-date is now easier than ever with the new toolbox,” added Commissioner Mark Samuelian. “It’s our way of ensuring residents are aware of city news and can tailor how they receive it.”

Allowing individuals to share their position on topics heard at public meetings from the convenience of their home, the City’s eComment program is an additional feature of the toolbox expected to launch early this year. To access the full toolbox, [click here](#).

###

To request this material in alternate format, sign language interpreter (five-day notice required), information on access for persons with disabilities, and/or any accommodation to review any document or participate in any city-sponsored proceedings, call 305.604.2489 and select 1 for English or 2 for Spanish, then option 6; TTY users may call via 711 (Florida Relay Service).

MIAMI BEACH

COMMITTEE MEMORANDUM

TO: Neighborhood and Quality of Life Committee Members

FROM: Jimmy L. Morales, City Manager

DATE: March 4, 2020

SUBJECT: **DISCUSSION REGARDING THE CURRENT STATUS OF THE TOPS PROGRAM: OFF DUTY POLICE.**

ANALYSIS

The purpose of this memorandum is to provide an update on the program known as the “Tourist Oriented Police Services” (T.O.P.S.). The original concept of the TOPS program was to fund an off-duty program that would have placed an additional four officers and a supervisor on Ocean Drive, with the primary purpose of these officers to patrol the west side of the street, thereby providing an additional presence to deal with any issues that may have arisen.

Originally begun as a pilot program in the summer of 2018, it initially proved to be very effective in reducing crime and increasing uniform visibility on weekend evenings on Ocean Drive. However, since the program was based exclusively on being filled by officers who volunteered to work during their off-duty hours, in the long term, this proved to be difficult and inconsistent to staff.

At the February 12th, 2020 Commission meeting, Chapter 6 of the City Code entitled “Alcoholic Beverages” was amended at second reading to require alcoholic beverage establishments located on Ocean Drive, between 5th street and 15th street, possessing a license to sell and/or serve alcoholic beverages in the City until 5 A.M. (“Alcohol License”), and selling and/or serving alcoholic beverages later than 12 A.M., to retain the services of an off-duty Police Officer, from 12 A.M. until thirty (30) minutes past the closing of the alcoholic beverage establishment, on Saturdays and Sundays and, during holiday weekends and City-sponsored events, on Saturday, Sunday and Mondays.

Since the passage of this new requirement in Chapter 6, the following locations have applied for, and been approved off-duty services:

- Oceans Ten
- Wet Willies
- Mangos
- Clevelander

- Finnegan's Way
- Voodoo Lounge
- Fat Tuesday

Each of the above locations has been assigned an off-duty job coordinator, whose responsibility is to staff the jobs at these locations to ensure compliance with the Code.

With this new configuration, the approved T.O.P.S. budget that was allocated for this program will still be used to staff a supervisor position for those nights to ensure proper oversight and accountability. In addition, the recommendation for the four (4) Officer positions initially dedicated to Ocean Drive is to repurpose them to Collins Avenue, within the Entertainment District, to provide increased uniform presence and address traffic and quality of life related issues.

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?

No

Does this item utilize G.O. Bond Funds?

No

MIAMI BEACH

COMMITTEE MEMORANDUM

TO: Neighborhood and Quality of Life Committee Members

FROM: Jimmy L. Morales, City Manager

DATE: March 4, 2020

SUBJECT: **DISCUSSION REGARDING THE 2020 CENSUS.**

ANALYSIS

The United States Census of 2020 is required by the United States Constitution and has been conducted every 10 years since 1790. National Census Day will be April 1, 2020 and is the reference day used for the census. The 2020 Census will be the first U.S. census to offer options to respond online or by phone, in addition to the option to respond on a paper form as previous censuses.

The 2020 Census is important for many reasons, including:

- Many federal programs use census data to determine the amount of funding for state and local areas. The census results will help to determine how more than \$675 billion in federal funds and grants will be allocated to states and communities.
- State and local officials use census results to redraw boundaries for congressional districts, state legislative districts and school districts.
- Every 10 years the results of the census are used to reapportion the House of Representatives, determining how many seats each state gets. Various forecasters have projected that Florida may gain 2 seats as a result of the 2020 Census.

During the January 15, 2020 City Commission meeting, Miami-Dade County Commissioner Bovo made a presentation to the City Commission on the 2020 Census and provided information on the County's preparation to increase participation. The item was referred to the Neighborhood and Quality of Life Committee by the full commission.

The Administration has subsequently met on the City's plans for the 2020 Census with a focus on maximizing participation, especially within hard to reach communities. The attached Exhibit A summarizes the City's actions and the future plan of action.

Applicable Area

Citywide

Is this a "Residents Right to Know" item, pursuant to

Does this item utilize G.O. Bond Funds?

City Code Section 2-14?

Yes

No

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Exhibit A	Memo

Exhibit A

2020 Census Action Plan

		Task	Description	Timeline/ Status
1.	Organize	Form Census Committee	Creation of a Census Committee staffed by the Administration. (Requested by City Commission at the January 15, 2020 Commission meeting).	Completed. Committee members include City Administration staff from the following departments: City Manager's Office, Marketing and Communications Department, Housing and Community Services Department and Police Department.
2.		Public Service Announcements (PSAs)	PSAs will provide information to the public on the 2020 Census.	Ongoing. PSAs will be scheduled to air on Miami Beach TV from March 12 through end of the Census.
3.	Communicate	Flyers	Identification of appropriate flyers for distribution.	Completed. A selection of appropriate and informative flyers has been made for general distribution.
4.		Commission Presence	City of Miami Beach Proclamation: 'April 1, 2020 Census Day'. Identify opportunities for each member of the City Commission to communicate and engage the community directly.	Ongoing. A Proclamation has been scheduled for the upcoming March 2020 City Commission meeting.
5		Website	Information and link on the City's Website to 2020 Census information.	Completed. Information has been placed on the main page of the City's website. This includes the following: A link at the top of the City's main website page stating, 'Census 2020 – Be Counted'. This page links directly to the Miami-Dade County's website on the 2020 Census and provides information and videos. A section under the 'Events' section of the City's main website page states '2020 Census Coming Soon: Don't Waive Your Right to be Counted!'

6	Telephone	A robocall in the form of a computerized autodialer with a pre-recorded message will connect residents to an automated census line that will allow residents to complete the census on the phone.	Ongoing. This will commence on March 12, 2020.
7	Email Blast	An email blast will be sent out to community organizations, including religious organizations, community establishments, chambers of commerce, etc. The email will include flyers and 2020 Census information for newsletters and general distribution.	Ongoing. The email blast will be sent out closer to 2020 Census Day, approximately early to mid-March 2020.
8	Communicate to Homeowner Association (HOA) Presidents	Presentation to be made to at the Quarterly Homeowners Association Meeting regarding the 2020 Census.	Completed. A presentation was made to the HOA Presidents at the February 2020 HOA meeting. The Administration requested that HOA Presidents provide flyers and information to HOA residents. Flyers and census material were provided.
9	Mail	Add 'Please Remember to Complete Your Census' message on City Water Bills.	Completed. The language has been included on all water bills sent out by the City.
10	In-Person	Through the City's Parks and Recreation Department via the After-School Programs. City staff will provide information to parents of children and youth in the City's After-School Program.	Ongoing. This initiative will commence early to mid-March.
11		Door to Door with City Volunteers. Focus will be on neighborhoods where residents have typically been underrepresented such as elderly/low income. Housing and Community Services staff will train volunteers.	Ongoing. This initiative will commence mid-March 2020.
12	Events	Information and flyers will be presented at Miami Beach events, such as Miami Beach Police Community meetings and at workshops with community partners citywide.	Ongoing.

13		Commission Committee	An Agenda item will be placed on the Neighborhoods and Quality of Life Committee for review and discussion.	Ongoing. Scheduled for the March 2020 Committee meeting.
14	Evaluate	Track Responses	For Committee review, evaluation and action. The Committee will continuously review and respond accordingly to the Census Bureau's ongoing count and update, which shows the number and percentages of responses received for the 2020 Census.	March 12, 2020 Onwards.

Timeline

The 2020 Census timeline is as follows:

- March 9 - Census releases their toll-free number.
- March 12-20 – An invitation to respond online to the 2020 Census will be sent out. This will be a postcard delivered by U.S. mail and will contain a unique identifier code. Respondents can respond online, by phone or by mail.
- March 16 - 24 – A reminder letter will arrive via U.S. mail.
- March 26 - April 3 – A reminder postcard will arrive via U.S. mail.
- April 1 – CENSUS DAY
- April 8-16 – A reminder letter and paper questionnaire will be sent out.
- April 20-27 – A FINAL reminder postcard will arrive via U.S. mail, before the U.S. Census Bureau begins to follow-up in person.

MIAMI BEACH

COMMITTEE MEMORANDUM

TO: Neighborhood and Quality of Life Committee Members

FROM: Jimmy L. Morales, City Manager

DATE: March 4, 2020

SUBJECT: **DISCUSS THE CURRENT LIGHTING AT BELLE ISLE PARK AND
POTENTIAL AVENUES FOR ENHANCEMENT.**

HISTORY:

At its February 12, 2020 meeting, the City Commission approved agenda item number C4L, by Commissioner Samuelian, a referral to the Neighborhoods and Quality of Life Committee to discuss lighting at Belle Isle Park and potential avenues for enhancement.

Residents of Belle Isle have reported concerns regarding the lack of lighting at Belle Isle Park, and corresponding safety concerns. Miami Beach Police has been informed of this issue and is open to a discussion on the matter. This item asks that the Committee review the current lighting situation at Belle Isle Park and identify opportunities for lighting and safety enhancements.

ANALYSIS

The Public Works Infrastructure Division staff have assessed Belle Isle Park and surrounding areas and made the following recommendations:

Belle Isle Park

There are 23 existing holophane light fixtures including 11 on the Park's southern perimeter road. The cost estimate to replace all 23 light fixtures with new LED lighting is \$30,360.

The Dog Park is an area that presently does not have any lighting. There is potential to have 6 poles installed as well as fixtures within its surrounding for an estimated cost of \$20,755.

The Park's core area could also benefit from lighting enhancements. The area allows for 8 new poles to be installed at an estimated cost of \$27,664.

The cost estimate for In-house labor and other miscellaneous materials is \$31,221. The project's estimated total cost is \$110,000.

Results from the 2019 Resident Survey show that 64% of residents rated street lighting as excellent/good. In order to continue maintaining excellent standards in this area, the City

continues to find alternatives for lighting enhancement throughout the City.

CONCLUSION:

The following is presented to the members of the Neighborhood and Quality of Life Committee for discussion and further direction.

Applicable Area

South Beach

**Is this a "Residents Right
to Know" item, pursuant to
City Code Section 2-14?**

Yes

**Does this item utilize G.O.
Bond Funds?**

No

MIAMI BEACH

COMMITTEE MEMORANDUM

TO: Neighborhood and Quality of Life Committee Members

FROM: Jimmy L. Morales, City Manager

DATE: March 4, 2020

**SUBJECT: DISCUSSION REGARDING THE RECOMMENDED DESIGN CONCEPT
PROPOSED IN THE 17TH STREET EXCLUSIVE TRANSIT AND PROTECTED
BUFFERED BICYCLE LANES FEASIBILITY STUDY.**

HISTORY:

According to the 2019 City of Miami Beach Resident Survey, someone regularly rides a bicycle in 47% of Miami Beach households; however, 62.5% of residents do not feel safe riding a bicycle in Miami Beach. According to the same survey, 67% of residents feel either unsafe or concerned when crossing intersections in Miami Beach. Specifically, 74% of residents feel that drivers do not yield to pedestrians at intersections.

Additionally, based on the 2019 Miami Beach Resident Survey, 75% of residents surveyed are satisfied with the trolley service, however, service reliability and frequency were the main factors of dissatisfaction. Based on the same survey, 63% of respondents use their automobile as a primary mode of transportation for trips within Miami Beach, and 73% of respondents consider trolleys and local bus circulators as the most viable alternative to using a personal automobile within the City.

The adopted 2016 Miami Beach Transportation Master Plan (TMP) was built on a mode share goal and modal prioritization strategy adopted by Resolution No. 2015-29083 on July 8, 2015, which places pedestrians first; transit, bicycles, and freight second; and private automobiles third.

The 17 Street Dedicated Transit and Protected/Buffered Bicycle Lanes Project is a Priority 2 project in the TMP. The project recommends multi-modal transportation improvements along 17 Street from West Avenue to the Beachwalk.

Key study dates include:

January 22, 2019 – Notice to Proceed issued to Marlin Engineering

February 2019 – traffic data collection

February 8, 2019 – study advisory group meeting #1

February 20, 2019 – interdepartmental kick-off meeting

March 28, 2019 – public meeting #1

April 5, 2019 – technical review meeting #1 with Miami-Dade County
April 16, 2019 – study advisory group meeting # 2
May 6, 2019 – technical review meeting #2 with Miami-Dade County
September 4, 2019 – study advisory group meeting #3
October 22, 2019 – resolution of support by the Miami-Dade Transportation Planning Organization's (TPO) Bicycle Pedestrian Advisory Committee (attachment 1)
November 4, 2019 – presentation to Miami Beach Transportation, Parking, and Bicycle-Pedestrian Facilities Committee (TPBFC)
November 12, 2019 – Palm View Neighborhood Association meeting
November 13, 2019 – stakeholder meeting
November 18, 2019 – public meeting # 2
December 9, 2019 – motion of support passed by the TPBPFC

Throughout the study process, several internal coordination meetings were held with other city departments to seek input on the proposed improvements. Coordination with the Florida Department of Transportation and Miami-Dade County has also occurred throughout the study process.

ANALYSIS

The goal of the proposed 17 Street Dedicated Transit and Protected/Buffered Bicycle Lanes project is to improve pedestrian, bicycle, and transit facilities along the 17 Street corridor between West Avenue and the beachwalk.

Improving transit facilities on 17 Street is important because the Miami-Dade County Strategic Miami Area Rapid Transit (SMART) Plan proposes three Bus Express Rapid Transit routes and the Beach Corridor Rapid Transit project connecting to the Miami Beach Convention Center. Due to these SMART Plan connections, the Miami-Dade Transportation Planning Organization partially funded this feasibility study through its SMART Moves grant program. Improving transit facilities on 17 Street will also improve service reliability for the existing 385 buses with 1,400 riders that currently travel along 17 Street on a daily basis.

Improving pedestrian and bicycle facilities on 17 Street is essential given the high volumes of bicyclists and pedestrians who currently travel along the corridor. Furthermore, 17 Street provides a direct connection between the Venetian Causeway (with green bike lanes) and the Beachwalk (a shared bicycle-pedestrian facility). Approximately 500 bicycles traveled through the intersection of West Avenue and 17 Street during the 13 hour count period, according to data collected for this study. Additionally, over 13,000 pedestrians were counted daily at the east end of the study area.

Three mutually exclusive concepts were evaluated as part of the feasibility study and are described below:

Concept 1 – Improvements to pedestrian infrastructure (attachment 2).

This concept brings the corridor up to current roadway design standards by repairing sidewalks and installing pedestrian enhancements such as high emphasis (zebra) crosswalks, LED pedestrian flashing beacons at unsignalized intersections, and automatic pedestrian phases at signalized intersections. This concept has no on-street parking impact and no significant traffic impact. Of particular importance is a new signalized mid-block crosswalk to improve connectivity between the Fillmore Theater and Soundscape Park.

Concept 2 – Improvements to bicycle infrastructure (attachment 3).

This concept removes the center left turn lanes to include bicycle lanes between West Avenue and the beachwalk, with the total loss of only five on-street parking spaces between Collins Avenue and the beachwalk. This concept includes a reconfiguration of the intersection of 17 Street and Alton Road in order to increase intersection capacity and accommodate bicycle lanes.

Concept 3 – Improvements to bicycle and transit infrastructure (attachment 4).

This concept proposes bicycle lanes between West Avenue and Meridian Avenue, shared transit/bicycle lanes between Meridian Avenue and Collins Avenue by repurposing the outside travel lane, and buffered bicycle lanes between Collins Avenue and the beachwalk. This concept will accommodate existing trolley and bus routes as well as future bus express rapid transit routes to the Convention Center and has minimal on-street parking impact, with a loss of only five on-street parking spaces between Collins Avenue and the beachwalk. Similar to Concept 2 above, this concept includes the reconfiguration of the Alton Road and 17 Street intersection.

Shared transit/bicycle lanes are a relatively new concept in the U.S. and are recommended by the National Association of City Transportation Officials (NACTO) as a strategy to improve transit service reliability and bicycle safety simultaneously in constrained urban environments. Shared transit/bicycle lanes have proven to be safe and effective in U.S. and European cities.

Landscaping

Recommendations to increase shade canopy were developed for the corridor, where right-of-way permits. These landscape concepts will be further refined during the design process.

Multimodal Level of Service (LOS)

Existing traffic data was collected as part of this study, and the traffic impacts were simulated using the Synchro Model for Concept 2 and Concept 3. As proposed, bicycle and transit level of service is improved in concepts 2 and 3 and shown in the table below. As sidewalk width will be maintained at the current level, pedestrian level of service remains consistent.

Segment	Existing			2023 No-Build			2023 Build 1,2			2023 Build 1,3		
	Ped LOS	Bicycle LOS	Bus LOS	Ped LOS	Bicycle LOS	Bus LOS	Ped LOS	Bicycle LOS	Bus LOS	Ped LOS	Bicycle LOS	Bus LOS
Dade Blvd to West Ave	C	C	B	C	C	B	C	C	B	C	C	B
West Ave to Alton Rd	C	E	B	C	E	B	C	B	B	C	B	B
Alton Rd to Michigan Ave	D	E	B	D	E	B	D	C	B	D	C	B
Michigan Ave to Meridian Ave	D	E	B	D	E	B	D	C	B	D	C	B
Meridian Ave to Convention Center Dr	D	E	B	D	E	B	D	C	B	D	C	A*
Convention Center Dr to Washington Ave	D	E	B	D	E	B	D	C	B	D	C	A*
Washington Ave to James Ave	C	E	B	C	E	B	C	B	B	C	B	A*
James Ave to Collins Ave	C	D	B	C	D	B	C	B	B	C	B	A*
Collins Ave to Beach Walk	B	C	N/A	B	C	N/A	B	B	N/A	B	B	N/A

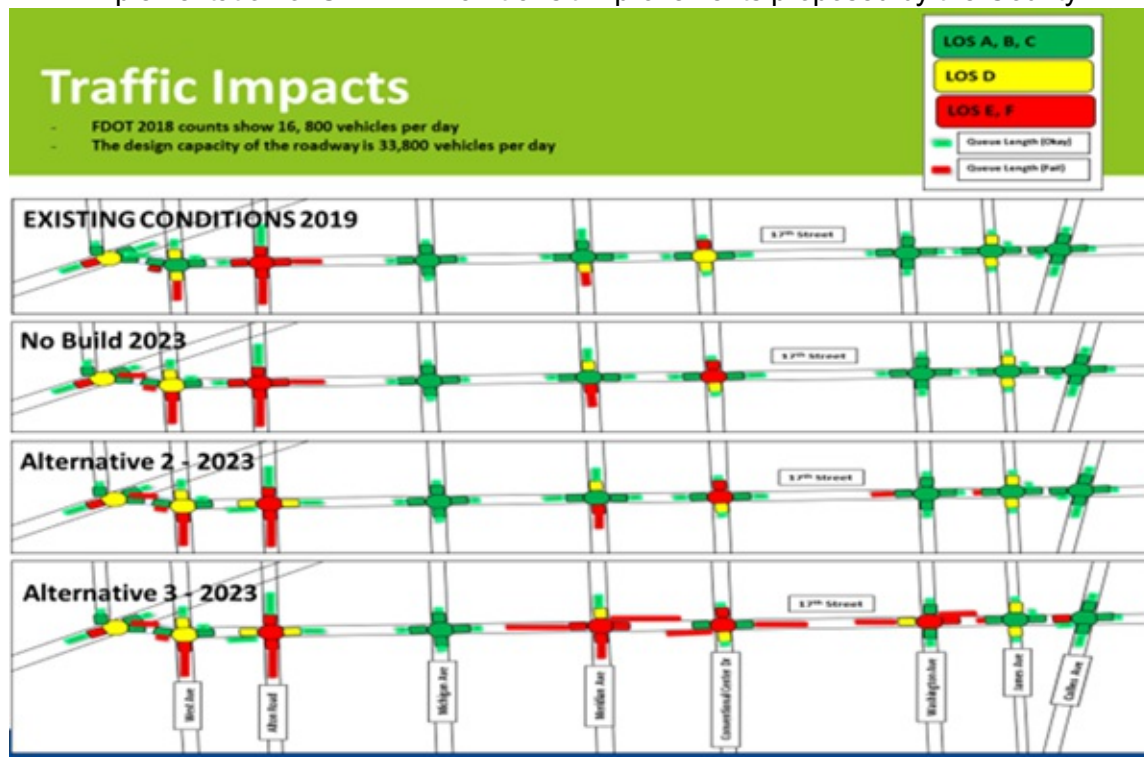
* The FDOT Quality Level of Service (QLOS) Tables does not account for adding a bus lane. Planning and Engineering judgement were used to conclude that there should be a higher LOS with a Bus (and Bike) Only Lane.

Vehicular Level of Service (LOS)

Future (2023) vehicular LOS at intersections along the 17 Street corridor varies by concept (see

table below).

- Concept 1 – The implementation of automatic pedestrian intervals at all intersections does not significantly impact intersections along the corridor. Most intersections do not experience increases in delay except for the 17 Street and Convention Center Drive intersection. The southbound left turn movement is the most affected movement. To mitigate this impact, it is recommended that the intersection be modified to add vehicular detection on all phases. This would reduce the amount of unused green time on 17 Street and allow the unused green time to be allocated to Convention Center Drive.
- Concept 2 – The modifications proposed as part of this concept do not result in any significant impact to the intersections in the corridor. The reconfiguration of the Alton Road and 17 Street intersection will result in a reduction of approximately 46 seconds of average delay per vehicle traveling through this intersection.
- Concept 3 – While the corridor does not experience any impact west of Meridian, the proposed repurposing of the outside travel lane will result in increases to vehicle delay (excluding transit) for intersections between Meridian Avenue and Collins Avenue. The most impacted intersections are Meridian Avenue and Washington Avenue. Both intersections experience an increased average delay of approximately 35 seconds per vehicle (excluding transit).; however, according to draft service plans provided by Miami-Dade County, this study estimated that vehicular trips are expected to decrease by between 600 and 1,300 trips per peak hour due to implementation of SMART Plan transit improvements proposed by the County.



Community Input

Community response to the proposed concepts has been generally positive. There was consistent community support for the pedestrian improvements proposed in Concept 1 and for the bicycle and transit improvements proposed in Concept 3.

Based on stakeholder input received during the study process, staff refined the proposed concepts as follows:

1. Landscaping enhancements were added along 17 Street sidewalks.
2. Pedestrian crossings were added at Lennox Avenue, the 17 Street Garage entrance, and at the New World Symphony, pending Miami-Dade County review and approval.
3. A dedicated westbound left turn lane at Pennsylvania Avenue was added.
4. Tactical urbanism was added, including a decorative street design at the entrance to the 17 Street Garage and a wide artistic (plaza-like) pedestrian crossing between the New World Symphony and the Fillmore Theater.

Cost, Funding, and Implementation

The planning level construction cost estimate for concepts 1 and 3 is approximately \$1.3 million. It is worth highlighting that this estimate does not account for any potential cost savings and efficiencies generated by implementing the proposed 17 Street corridor improvements as part of General Obligation Bond project #34 (Neighborhood Above Ground Improvements). Furthermore, staff is pursuing additional funding opportunities through state and county grant programs.

RECOMMENDATION

The Administration recommends that the Neighborhood and Quality of Life Committee (NQLC) approve concepts 1 and 3 – enhanced pedestrian infrastructure, bicycle lanes between West Avenue and Meridian Avenue, shared transit/bicycle lane from Meridian Avenue to Collins Avenue, and bicycle lanes from Collins Avenue to the Beachwalk.

If approved by the NQLC and the City Commission, the Administration will advance the proposed concepts to the design development phase. Additional community outreach will be conducted as part of the subsequent phase.

The project video can be viewed at:

<https://www.youtube.com/watch?v=T1yTIAx01mk&feature=youtu.be>

CONCLUSION:

In summary, Concepts 1 and 3 (attachment 4) will provide the highest level of improvement to safety and mobility for pedestrians, bicyclists, and transit. Implementing the pedestrian improvements proposed in Concept 1 and the bicycle and pedestrian improvements proposed in Concept 3 will:

- Improve north/south pedestrian crossings on 17 Street
- Improve multimodal connectivity to City Center, including Miami Beach Convention Center
- Maintain existing vehicular level of service west of Meridian Avenue
- Maintain existing on-street parking, with minimal impact between Collins Avenue and the Beachwalk
- Upgrade lane widths and ADA curb ramps to current design standards
- Create a safe “land to sand” bicycle connection

Applicable Area

South Beach

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?

No

Does this item utilize G.O. Bond Funds?

No

Strategic Connection

Mobility - Improve the walking and biking experience.

ATTACHMENTS:

Description		Type
<input type="checkbox"/>	ATTACHMENT 1	Memo
<input type="checkbox"/>	ATTACHMENT 2	Memo
<input type="checkbox"/>	ATTACHMENT 3	Memo
<input type="checkbox"/>	ATTACHMENT 4	Memo

BPAC RESOLUTION #8-2019**RESOLUTION OF SUPPORT OF TRANSIT BIKE LANES ALTERNATIVES 1 AND 3 FOR THE CITY OF MIAMI BEACH PROTECTED BUFFERED BIKE LANES AND EXCLUSIVE TRANSIT LANES FEASIBILITY FOR 17TH STREET**

WHEREAS, the Interlocal Agreement creating and establishing the Miami-Dade Metropolitan Planning Organization (MPO), for the Miami Urbanized Area, now known as the Transportation Planning Organization (TPO), requires that the TPO provide a structure to evaluate the adequacy of the transportation planning and programming process; and

WHEREAS, the TPO has established Bicycle Pedestrian Advisory Committee (BPAC) to advise it on bicycle and pedestrian related plans and projects; and

WHEREAS, the City of Miami Beach Transportation Master Plan has ranked mode share on its streets as (1) Pedestrians; (2) Transit, Bicycles, Freight; and (3) Private Vehicles; and

WHEREAS, in Miami Beach, approximately 385 buses operate daily on 17th Street; and the City has conducted a study for Protected Bike Lanes and Exclusive Transit Lane Feasibility for 17th Street, in which Bus Bike Lanes that include Pedestrian Improvements are one of the alternatives; and

NOW, THEREFORE, BE IT RESOLVED BY THE BICYCLE PEDESTRIAN ADVISORY COMMITTEE OF THE MIAMI-DADE TRANSPORTATION PLANNING ORGANIZATION that this committee recommends Transit and Bike Lanes Alternatives 1 and 3 for the City of Miami Beach Protected Buffered Bike Lanes and Exclusive Transit Lane Feasibility for 17th Street, which is consistent with the City of Miami Beach's Pedestrian Modal Priority.

The foregoing resolution was offered by Francisco Arbelaez who moved its adoption. The motion was seconded by Eric Tullberg and upon being put to a vote was as follows:

Chairperson Collin Worth	- Aye
Vice Chair Sabine Delouche	- Aye

Francisco Arbelaez	- Aye	Hank Sanchez-Resnik	- Aye
Brett Bibeau	- Absent	Mary Y. Taylor	- Aye
Charles Fischer	- Aye	Eric Tullberg	- Aye
Mike Fleming	- Aye	Enrique Veloz	- Absent

The Chairperson thereupon declared the resolution duly passed and approved this 22nd day of October, 2019.

BICYCLE PEDESTRIAN ADVISORY COMMITTEE

By *Zainab Salim*
Zainab Salim, Clerk
Miami-Dade TPO



Proposed Concept

Alternative 1

MAIN FEATURE:

Improved pedestrian infrastructure at all signals.

No Parking Impact

* Audio Push Button for ADA purposes at all intersections. Automatic pedestrian signals are also recommended at all intersections. Both need County review and approval.

Detectable Warning Pads



High Visibility Crosswalks



Audio Push Button*



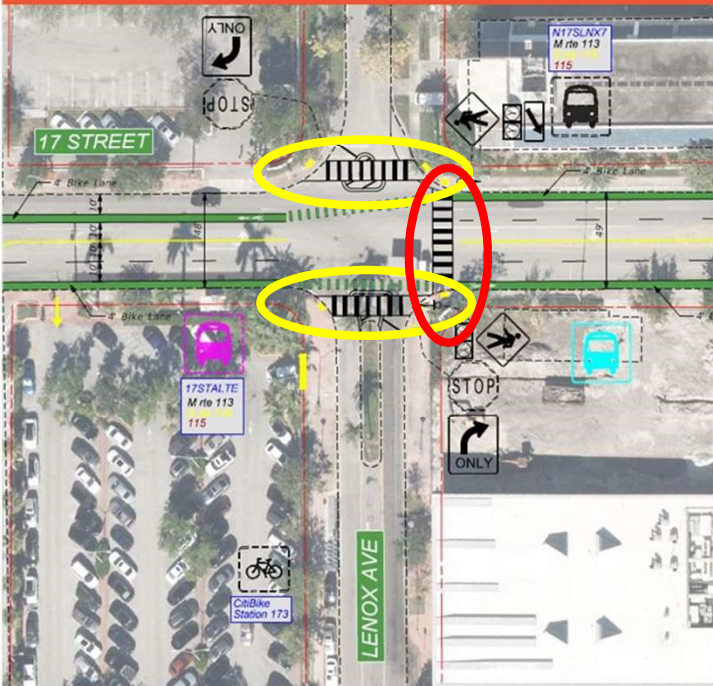
Count Down Heads



Proposed Concept

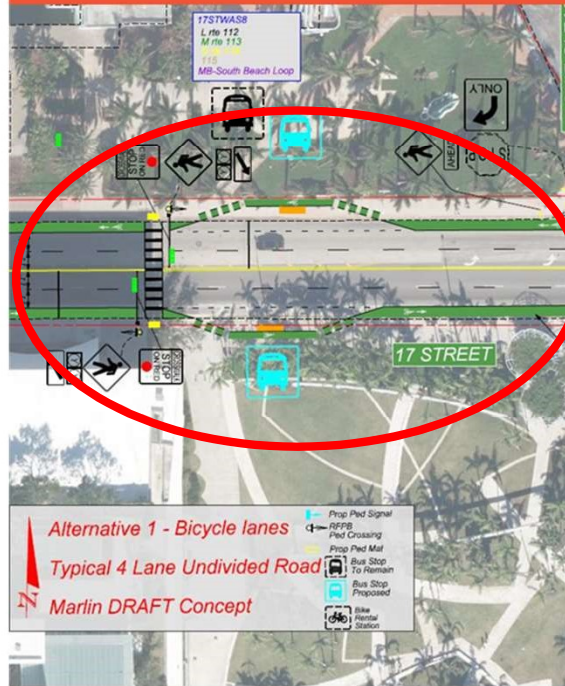
Alternative 1 – New Crossings (Pending Warrant Analysis/County Approval)

At Lennox Ave



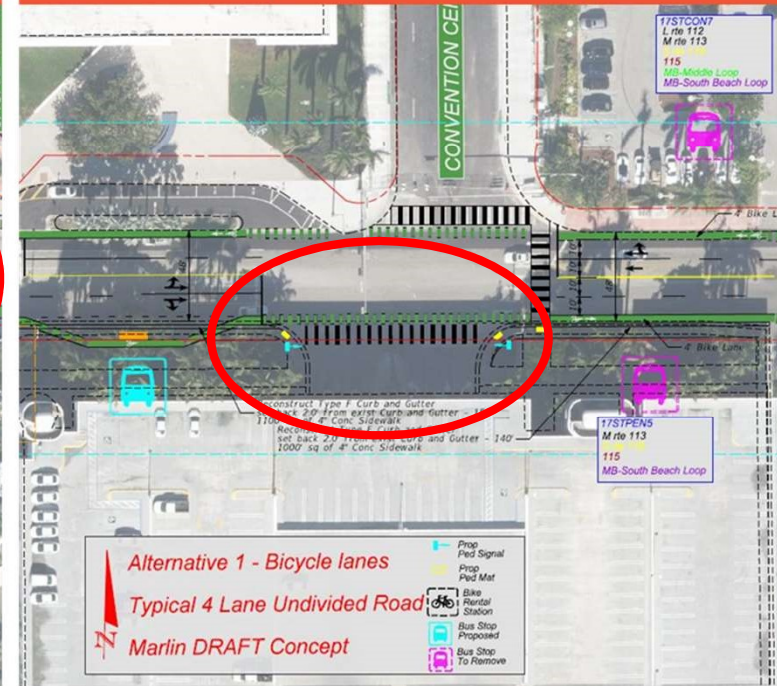
Lennox

Midblock at Soundscape Park



Drexel

Across Southern Approach at Convention Center Drive (Garage Entrance)



Convention Center Garage

New

Enhanced

Proposed Concept

Alternatives 1 and 2

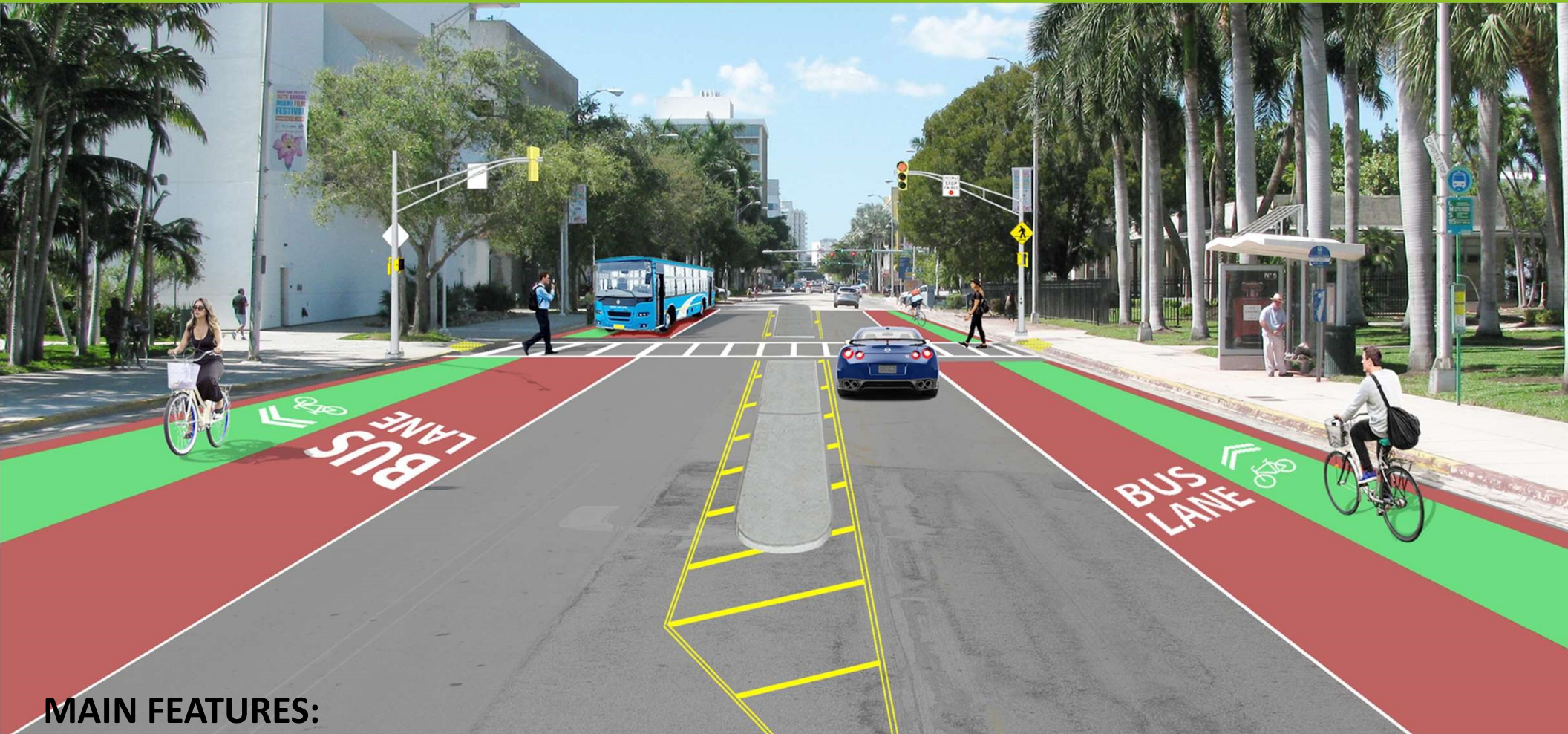
MAIN FEATURES:

- Improved pedestrian infrastructure at all signals
- Bicycle lanes between West and the Beachwalk.



Proposed Concept

Alternatives 1 and 3

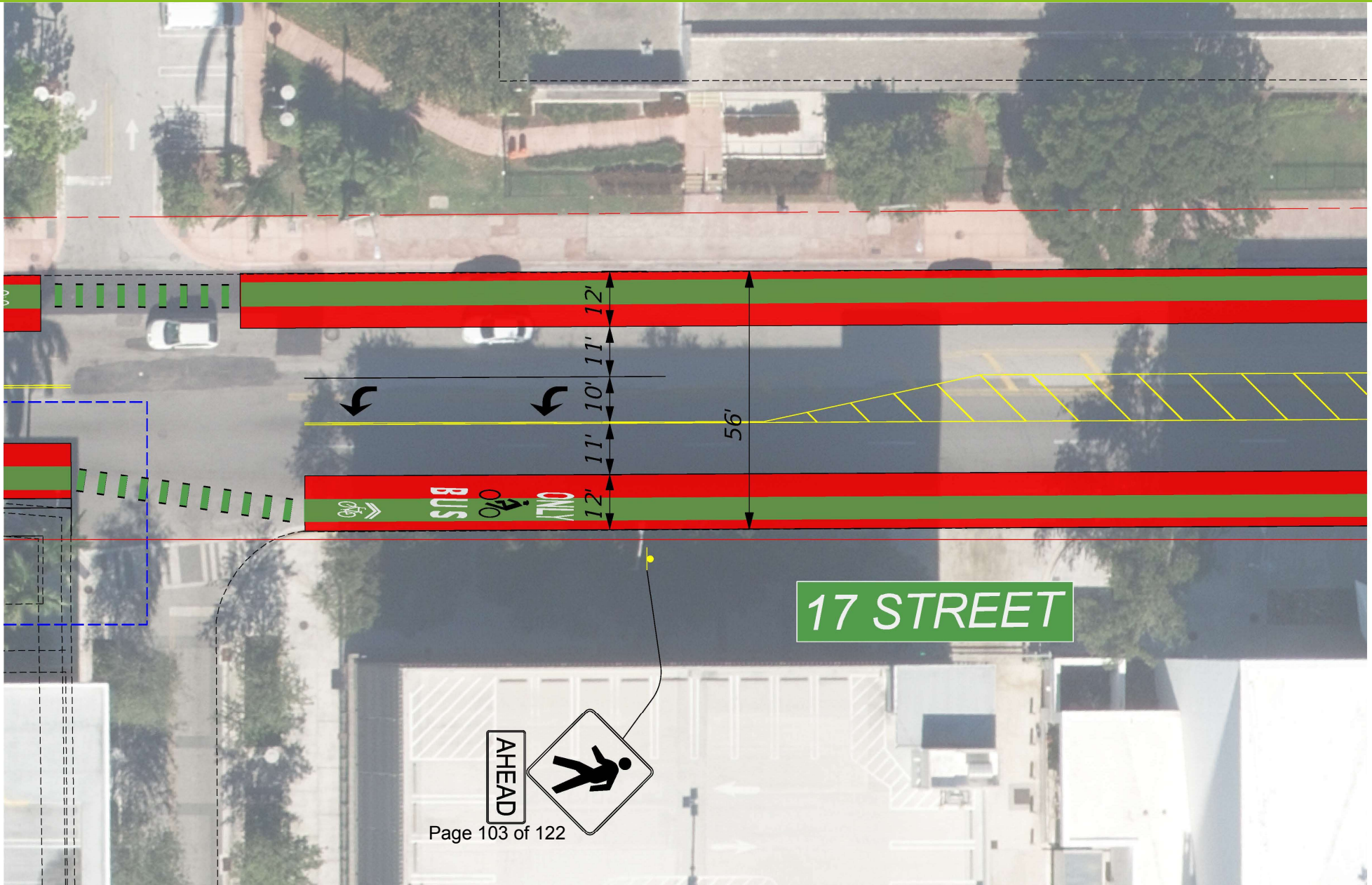


MAIN FEATURES:

- Improved pedestrian infrastructure at all signals
- Bicycle lanes between West and Meridian, and Collins Avenue to the Beachwalk
- Dedicated bike and bus lanes between Meridian Avenue and Collins Avenue

Alternatives 1 and 3, Southbound Left Turn @ Pennsylvania

Alternatives 1 and 3, Southbound Left Turn @ Pennsylvania



MIAMI BEACH

COMMITTEE MEMORANDUM

TO: Neighborhood and Quality of Life Committee Members

FROM: Jimmy L. Morales, City Manager

DATE: March 4, 2020

SUBJECT: **DISCUSSION REGARDING ESTABLISHING A FAST PASS TRACK FOR SMALL BUSINESSES FOR THE BUILDING DEPARTMENT PERMIT PROCESS.**

ANALYSIS

The Building department would like to assist with the fast tracking of the small business permits and assist the business owner similar to the service given the property owners, currently there is no method for the registration of the small businesses. This may require joint efforts with economic development where the owner could register and receive notification or an identification number to use when processing their permits. The small business could then have similar access afforded to the homeowners.

CONCLUSION:

The Department would appreciate the opportunity to discuss this approach and receive some direction.

Applicable Area

Citywide

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?

Yes

Does this item utilize G.O. Bond Funds?

No

MIAMI BEACH

COMMITTEE MEMORANDUM

TO: Neighborhood and Quality of Life Committee Members

FROM: Jimmy L. Morales, City Manager

DATE: March 4, 2020

SUBJECT: **DISCUSSION REGARDING AN UPDATE ON THE ELECTRONIC PLANS
FILING FOR PERMITTING PURPOSES.**

HISTORY:

Please see attached LTC 062-2020, issued on February 3, 2020 regarding the Building Department online permit applications.

Applicable Area

Citywide

**Is this a "Residents Right
to Know" item, pursuant to
City Code Section 2-14?**

Yes

**Does this item utilize G.O.
Bond Funds?**

No

ATTACHMENTS:

Description

☐ Online Permitting Applications

Type

Memo

MIAMI BEACH

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

Jimmy L. Morales, City Manager
Tel: 305-673-7010, Fax: 305-673-7782

062-2020

NO. LTC #

LETTER TO COMMISSION

TO: Mayor Dan Gelber and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: February 3, 2020

SUBJECT: Building Department Online Permit Applications

I am pleased to say that the Building Department now has 41 permit types available for online application. Customers can now dodge a trip to the Building Department and apply online if applying for one of the permits in the list below, by visiting the Citizen Self Service portal at <https://www.miamibeachfl.gov/business/css/>.

Commercial Buildings(including Condo) - New Roof
Commercial Buildings(including Condo) - Re-Roof
Commercial Buildings(including Condo) - Generator Alteration
Commercial Buildings(including Condo) - New Generator
Commercial Buildings(including Condo) - New Pool
Commercial Buildings(including Condo) - Photovoltaic/Solar Panels New Installation
Commercial Buildings(including Condo) - Pool Alteration
Commercial Buildings(including Condo) Air Conditioning Alteration
Commercial Buildings(including Condo) Alterations - Non Phased Permit
Commercial Buildings(including Condo) Alterations- Phased Permit
Commercial Buildings(including Condo) New Air Conditioning
Commercial Buildings(including Condo) New Construction - Non Phased Permit
Commercial Buildings(including Condo) New Construction - Phased Permit
Commercial Interior Alteration (No Structural)
Flooring – Condominium
Portable Toilet – Commercial
Portable Toilet – Residential
Residential(single-family) - New Generator
Residential(single-family) - Photovoltaic/Solar Panels New Installation
Residential(single-family) - Pool alteration
Residential(single-family) – Alterations

Residential(single-family) - Generator Alteration
Residential(single-family) - New Construction & Additions
Residential(single-family) - New Construction & Additions - with Private Provider
Residential(single-family) - New Pool
Residential(single-family) - New Roof
Residential(single-family) - Re-Roof
Revisions As-builts
Revisions General
Sub-Permit- Commercial - Electrical - New Installations (including condominiums)
Sub-Permit- Commercial - Electrical Alterations (including condominiums)
Sub-Permit- Commercial - Plumbing Alterations
Sub-Permit- Residential - Electrical Alterations (single family or duplex)
Sub-Permit- Residential - Mechanical - New Installations (single family or duplex)
Sub-Permit- Residential - Mechanical Alterations (single family or duplex)
Sub-Permit- Residential - Plumbing - New Installations (single family or duplex)
Sub-Permit- Residential - Plumbing Alterations (single family or duplex)
Sub-Permit- Residential Electrical - New Installations (single family or duplex)
Sub-Permit-Commercial - Mechanical - New Installations (including condominiums)
Sub-Permit-Commercial - Mechanical Alterations
Sub-Permit-Commercial - Plumbing - New Installations (including condominiums)

The Building Department along with the support of the IT department will continue to work towards making all permit applications and as many services as possible available online. Training guides and training videos will be emailed to customers, and several in-person sessions will be scheduled for the public to ask questions and get assistance with Building related needs. More information on Building Department online permits can be found at <https://www.miamibeachfl.gov/online-permit-applications>

Should you have any questions or concerns, please contact Building Director/Official Ana Salgueiro at 305.673.7610, ext. 26587 or Assistant Director, Natasha Diaz at 305.673.7610, ext. 26335

JLM/JR/AMS/nd



MIAMI BEACH

COMMITTEE MEMORANDUM

TO: Neighborhood and Quality of Life Committee Members

FROM: Jimmy L. Morales, City Manager

DATE: March 4, 2020

SUBJECT: **DISCUSSION REGARDING ACCOUNTABILITY AND TRANSPARENCY OF
NEIGHBORHOOD AND HOMEOWNERS' ASSOCIATIONS APPEARING
BEFORE THE CITY.**

ANALYSIS

Please see attached Commission memorandum regarding accountability and transparency of Neighborhood and Homeowners' Associations appearing before the City.

Applicable Area

Citywide

**Is this a "Residents Right
to Know" item, pursuant to
City Code Section 2-14?**

Yes

**Does this item utilize G.O.
Bond Funds?**


No

ATTACHMENTS:

	Description	Type
<input type="checkbox"/>	Commission Memorandum	Memo

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: Commissioner David Richardson 

DATE: January 15, 2020

SUBJECT: Referral to the Neighborhood and Quality of Life Committee for a discussion regarding accountability and transparency of neighborhood and homeowners' associations appearing before the City.

Neighborhood and homeowners' associations are a vital part of Miami Beach. Among other things, they safeguard our residents' property values, help deter nuisance activity, and help residents maintain a higher quality of living.

However, Miami Beach neighborhood and homeowners' associations are not required to register as lobbyists under the City Code in order to meet with City staff and/or the Mayor and City Commissioners; or to appear before the Commission and the various City agencies, boards, and committees. Currently, to my knowledge, it appears that the City does not have an effective methodology for keeping track of the multitude of neighborhood and homeowners' associations within Miami Beach, in order for us to ascertain (among other things):

- 1) whether these organizations truly "represent" the area they claim to;
- 2) whether they are legally organized, or whether they're just an informally organized group;
- 3) whether they're active, how many members they have, how their officers and directors are selected, and how many active members they have; and
- 4) what, if any, procedures are there for the internal government of those organizations.

The above are just a few of my observations but, put together, I find that these unanswered questions can make it difficult for City officials and the City Administration to keep track of, and ascertain, what association speaks for who; what portion of the City they represent; how many members they have; and how they're organized.

I did some research and noted that, in 2018, Commissioner Arriola sponsored Resolution No. 2018-30569 (see Attachment "A"), which authorized the City Manager, through the City's Office of Communications, to create a comprehensive database and registry of homeowners' and neighborhood associations, which would be updated on an on-going basis (as well as annually), to facilitate the greater exchange of information between the City and its diverse neighborhoods. Additionally, Ordinance No. 2017-4115 ("Resident's Right to Know") (see Attachment "B"), allows for the City Commission to adopt a process for registering neighborhood associations who wish to receive "targeted notice" on issues that impact residents' quality of life. Registered neighborhood associations are required to renew their registration on an annual basis.

I think it's necessary to ascertain whether neighborhood and homeowners' associations appearing before the City Commission, and interacting with City staff, truly represent the interests of the individuals

that they claim to represent. At a minimum, I think it's important to see whether the requirements established under Commissioner Arriola's Resolution No. 2018-40569, and/or the "Resident's Right to Know" Ordinance, are being implemented and updated.

I would therefore like to request that this matter be referred to the Neighborhood and Quality of Life Committee for a full discussion. At the Committee, I would also like a report from the City's Office of Communications on what action it has taken with regard to Resolution No. 2018-30569, and the "Resident's Right to Know" Ordinance.

Should you have any questions or concerns about any of the foregoing, please don't hesitate to contact me or my aide Luis Callejas.

DR/RJA/ls

RESOLUTION NO. 2018-30569

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER, THROUGH THE CITY'S OFFICE OF COMMUNICATIONS, TO CREATE A COMPREHENSIVE DATABASE AND REGISTRY OF HOMEOWNERS AND NEIGHBORHOOD ASSOCIATIONS, WHICH WILL BE UPDATED ON AN ON-GOING BASIS, AS WELL AS ANNUALLY, TO FACILITATE THE GREATER EXCHANGE OF INFORMATION BETWEEN THE CITY AND ITS DIVERSE NEIGHBORHOODS, AND URGING ALL HOMEOWNERS AND NEIGHBORHOOD ASSOCIATIONS TO PARTICIPATE IN THE REGISTRY.

WHEREAS, in our age in technology and heightened interactions and immediate access to information through social media, a comprehensive database of homeowners and neighborhood associations would allow for a greater exchange of up-to-date information in the City and will foster a well-informed community; and

WHEREAS, a comprehensive database of community organizations and associations would enable Miami Beach residents to interface with the City on a variety of matters of local interest including, but not limited to, current traffic conditions and road closures and detours, entertainment and cultural events and happenings, the availability of new apps that concern City issues, public works projects, and local news; and

WHEREAS, the City Manager, through the City's Office of Communications, should be authorized to develop a homeowners and neighborhood associations database, and to develop a questionnaire form relative thereto in coordination with the City Attorney's Office, so that a comprehensive database and registry can be created that may be utilized by all interested community groups and associations.

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 authorize the City Manager, through the City's Office of Communications, to create a comprehensive database and registry of homeowners and neighborhood associations, which will be updated on an on-going basis, as well as annually, to facilitate the greater exchange of information between the City and its diverse neighborhoods; and, further, hereby urge all homeowners and neighborhood associations to participate in the registry.

PASSED AND ADOPTED this 17 day of Oct., 2018.

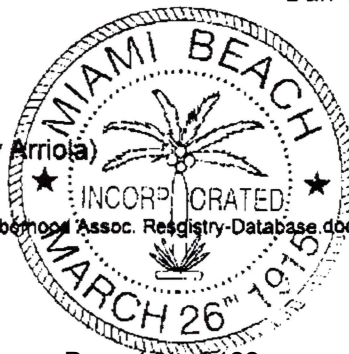
ATTEST:

781 10/17/18
Rafael E. Granado, City Clerk

(Sponsored by Commissioner Ricky Arriola)

F:\ATTO\TURN\RESOS\Homeowners and Neighborhood Assoc. Registry-Database.doc

[Signature]
Dan Gelber, Mayor



APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

[Signature]
for City Attorney

Date



MIAMI BEACH

COMMISSION MEMORANDUM

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

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER, THROUGH THE CITY'S OFFICE OF COMMUNICATIONS, TO CREATE A COMPREHENSIVE DATABASE AND REGISTRY OF HOMEOWNERS AND NEIGHBORHOOD ASSOCIATIONS, WHICH WILL BE UPDATED ON AN ON-GOING BASIS, AS WELL AS ANNUALLY, TO FACILITATE THE GREATER EXCHANGE OF INFORMATION BETWEEN THE CITY AND ITS DIVERSE NEIGHBORHOODS, AND URGING ALL HOMEOWNERS AND NEIGHBORHOOD ASSOCIATIONS TO PARTICIPATE IN THE REGISTRY.

RECOMMENDATION

Pursuant to the request of Commissioner Ricky Arriola, the above-referenced Resolution is submitted for consideration by the Mayor and City Commission. This matter was continued from the September 12, 2018 City Commission meeting agenda.

Legislative Tracking

Office of the City Attorney

Sponsor

Commissioner Ricky Arriola

ATTACHMENTS:

Description

- Resolution

RESIDENTS' RIGHT TO KNOW

ORDINANCE NO. 2017-4115

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 II, ENTITLED "CITY COMMISSION," BY CREATING SECTION 2-14 TO BE ENTITLED "RESIDENTS' RIGHT TO KNOW," TO CODIFY THE LEGISLATIVE INTENT OF THIS ORDINANCE, DEFINE MATTERS THAT IMPACT RESIDENTS' QUALITY OF LIFE, PROVIDE THAT THE CITY COMMISSION SHALL ADOPT A PROCESS FOR REGISTERING NEIGHBORHOOD ASSOCIATIONS AND INDIVIDUAL RESIDENTS WHO CHOOSE TO REGISTER, REQUIRE TARGETED ELECTRONIC NEIGHBORHOOD NOTICES FOR MATTERS THAT IMPACT RESIDENTS' QUALITY OF LIFE, ALLOW FOR TIMELY OPPORTUNITIES FOR PUBLIC INPUT, SUPPLEMENT EXISTING PROVISIONS IN THE CITY CODE RELATING TO PROCEDURAL FAIRNESS IN QUASI-JUDICIAL HEARINGS, PROVIDE THAT ANY AMENDMENT OR REPEALER OF THIS ORDINANCE SHALL REQUIRE THE AFFIRMATIVE VOTE OF 5/7THS OF THE CITY COMMISSION, DIRECT THE CITY MANAGER OR THE MANAGER'S DESIGNEE TO CONDUCT PERIODIC REVIEW AND PREPARE ANNUAL WRITTEN REPORTS, AND PROVIDE THAT THIS ORDINANCE SHALL BE ADMINISTERED BY THE OFFICE OF THE CITY MANAGER; AND PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, Paragraph (A)5 of the Citizens' Bill of Rights provides for a right to be heard before the City Commission or any City agency, board, or department with regard to the presentation, adjustment, or determination of an issue, request, or controversy within the jurisdiction of the City; and

WHEREAS, likewise, Paragraph (A)6 of the Citizens' Bill of Rights provides that "[p]ersons entitled to notice of a City hearing shall be timely informed as to the time, place and nature of the hearing and the legal authority pursuant to which the hearing is to be held"; and

WHEREAS, in the spirit of encouraging public notice and public participation in City government, the Mayor and City Commission desire to enact this Residents' Right to Know Ordinance to provide for targeted neighborhood notices, timely opportunities for input, and procedural fairness in quasi-judicial hearings.

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



SECTION 1. That Section 2-14 of Chapter 2 of the Miami Beach City Code is hereby created to state as follows:

**CHAPTER 2
ADMINISTRATION**

* * *
Article II. City Commission
* * *

Sec. 2-14. - Residents' Right to Know.

- (a) Legislative intent. It shall be the policy of the city to provide targeted neighborhood notice, timely opportunities for input, and procedural fairness in hearings for any proposed policy, ordinance, project, or other matter that impacts residents' quality of life.
- (b) Impacts to residents' quality of life. Matters that impact residents' quality of life shall include the following:
- (1) any position that has been formally adopted by resolution of a registered neighborhood association and transmitted to the city through its city manager;
 - (2) any application for development review before the city's land use boards, or any proposed zoning legislation before the city commission, that includes the potential for lot aggregation, or that includes the potential for material increase in (i) traffic over current levels, (ii) required parking, (iii) building height, (iv) base elevation, (v) intensity of uses, (vi) density, or (vii) floor area ratio;
 - (3) development proposals that require approval by the city commission which propose
 - a. changes of use or commercialization in a public park, public beach, or other public property or public easement; or
 - b. the design and implementation of a streetscape, transit, pedestrian, parking, or area improvement project (other than routine repairs and maintenance); and
 - (4) any material change to any of the matters listed in subsections (b)(1) through (b)(3) above.

For purposes of this Ordinance, a "material increase" shall be defined as any increase in building height or base elevation over three (3) feet, any increase in density, or any increase in floor area ratio. Additionally, a "material increase" shall be defined as any increase in traffic over current levels, required parking, or intensity of uses that the planning director considers to be substantial.

- (c) Targeted neighborhood notice. The city commission shall adopt a process by resolution (as may be amended from time to time) for registering neighborhood associations and shall provide targeted electronic notices on matters that impact residents' quality of life, as defined above and, in addition to targeted electronic notice, the city shall post such notices on the city's website. Targeted neighborhood notices at each step in the public

process, excluding emergency matters requiring immediate action, shall be in addition to any other public notices required by law. Registered neighborhood associations shall have the opportunity to register for specifically categorized notices based on whether a particular action affects North Beach, Mid-Beach, or South Beach. Notices shall be written in plain English, and both the title and summary shall objectively describe the proposed action.

For purposes of this Ordinance, the term "neighborhood association" shall be defined as an organization of residential homeowners and tenants created to address quality of life issues in a defined neighborhood or community.

Notwithstanding the above, an individual resident of Miami Beach may also register to receive targeted neighborhood notices. In order to be eligible for registration, an individual shall have been a resident of the city for a minimum of six (6) months, and must provide the city with a reasonable form of identification exhibiting proof of residency (to be defined in the resolution described above) upon registering.

Registered neighborhood associations (and individuals who choose to register) must renew their registrations on an annual basis.

- (d) *Timely opportunities for input.* Once a matter that impacts residents' quality of life (as defined above) is referred to a city commission committee or land use board, or once a matter is placed on an agenda for approval by the city commission, the city shall use reasonable good faith efforts to ensure that registered neighborhood associations (and individuals who choose to register) have an opportunity to participate in city processes that shape any matter that impacts residents' quality of life (as defined in subsection (b) above).
- (e) *Procedural fairness in quasi-judicial hearings.* The city shall ensure that representatives of registered neighborhood associations (and individuals who choose to register) shall have the opportunity at quasi-judicial hearings before the city's land use boards, or the city commission, to present or rebut evidence relevant to matters that impact residents' quality of life. Registered neighborhood associations (and individuals who choose to register) do not need to retain legal counsel to exercise these procedural rights. Notices of filing, and a copy of each quasi-judicial application, shall promptly be made available on the city's website within three (3) days of filing, and amendments thereto or supplemental information shall be filed and promptly made available on the city's website in advance of the date of the scheduled hearing.
- (f) *Amendment or repealer.* Any amendment to this Ordinance (including the repealer of any provision herein) shall require the affirmative vote of five-sevenths (5/7ths) of the city commission.
- (g) *Periodic review and annual report.* The city manager, or the city manager's designee, shall, annually during the city commission's review and approval of the city's annual operating budget, present a written report to the city commission tracking and identifying the operational implementation and fiscal impact of this Ordinance. The report shall include statistics relating to the number of registered neighborhood associations and individuals registered under the Ordinance and any amendments thereto; issues pertaining to impacts to residents' quality of life that have resulted in the issuance of

targeted notices; the number of registered neighborhood associations and individuals registered under the Ordinance that open each targeted notice and whether any links therein are viewed; and any violations and/or complaints received by the city administration with regard to the implementation of the procedures set forth in the Ordinance.

(h) Administration of this Ordinance. This Ordinance shall be administered by the office of the city manager.

SECTION 2. REPEALER.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3. SEVERABILITY.

If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

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 a part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

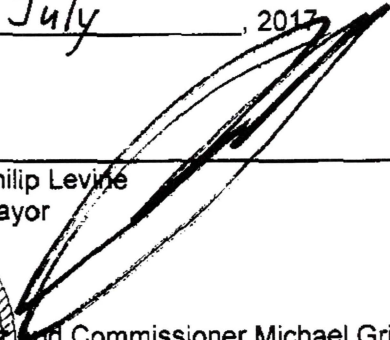
SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect on January 1, 2018.

PASSED and ADOPTED this 26 day of July, 2017.

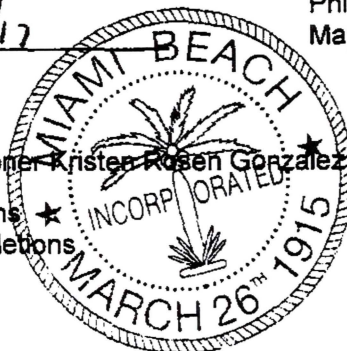
ATTEST:

781 8/7/17
Rafael E. Granado
City Clerk


Philip Levine
Mayor


(Sponsored by Commissioner Kristen Rosen Gonzalez and Commissioner Michael Grieco)

Underline denotes additions
~~Strike-through~~ denotes deletions



F:\ATTO\KALN\ORDINANCES\Residents' Right to Know - Second Reading (as amended - clean).docx

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION


City Attorney

7/28/17
Date

NK

MIAMI BEACH

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

COMMISSION MEMORANDUM

TO: Mayor Philip Levine
Members of the City Commission

cc: Raul J. Aguila, City Attorney
Jimmy L. Morales, City Manager
Rafael E. Granado, City Clerk

FROM: Commissioner Ricky Arriola

DATE: July 26, 2017

SUBJECT: **Residents' Right to Know Ordinance**

Attached for consideration by the Mayor and City Commission are my proposed amendments to the Residents' Right to Know Ordinance, which is scheduled for Second Reading/Public Hearing on July 26, 2017.

Sec. 2-14. - Residents' Right to Know.

* * *

(e) *Procedural fairness in quasi-judicial hearings.* The city shall ensure that representatives of registered neighborhood associations (and individuals who choose to register) shall have the opportunity at quasi-judicial hearings before the city's land use boards, or the city commission, to present or rebut evidence relevant to matters that impact residents' quality of life. ~~This shall include the opportunity to request a time certain for the convenience of the public.~~ Registered neighborhood associations (and individuals who choose to register) do not need to retain legal counsel to exercise these procedural rights. Notices of filing, and a copy of each quasi-judicial application, shall promptly be made available on the city's website ~~upon~~ within three (3) days of filing, and amendments thereto or supplemental information shall be filed and promptly made available on the city's website in advance of the date of the scheduled hearing.

~~(f) *Deferral or reconsideration.* A registered neighborhood association (or individual who chooses to register) may request deferral of any matter that requires targeted notice, or the reconsideration of that matter, if such matter is not duly noticed pursuant to this Ordinance. A reconsideration may only be requested at the publicly noticed land use board or city commission meeting immediately following the meeting at which the challenged action was taken. However, the land use board or city commission shall have the sole discretion to grant or deny any such request. Consistent with Robert's Rules of Order, a motion to reconsider must be made by a board member or commissioner who voted with the prevailing side.~~

* * *

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Raul J. Aguila, City Attorney
DATE: July 26, 2017

10:10 a.m. Second Reading Public Hearing

SUBJECT: RESIDENTS' RIGHT TO KNOW:

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 II, ENTITLED "CITY COMMISSION," BY CREATING SECTION 2-14 TO BE ENTITLED "RESIDENTS' RIGHT TO KNOW," TO CODIFY THE LEGISLATIVE INTENT OF THIS ORDINANCE, DEFINE MATTERS THAT IMPACT RESIDENTS' QUALITY OF LIFE, PROVIDE THAT THE CITY COMMISSION SHALL ADOPT A PROCESS FOR REGISTERING NEIGHBORHOOD ASSOCIATIONS AND INDIVIDUAL RESIDENTS WHO CHOOSE TO REGISTER, REQUIRE TARGETED ELECTRONIC NEIGHBORHOOD NOTICES FOR MATTERS THAT IMPACT RESIDENTS' QUALITY OF LIFE, ALLOW FOR TIMELY OPPORTUNITIES FOR PUBLIC INPUT, SUPPLEMENT EXISTING PROVISIONS IN THE CITY CODE RELATING TO PROCEDURAL FAIRNESS IN QUASI-JUDICIAL HEARINGS, ALLOW A REGISTERED NEIGHBORHOOD ASSOCIATION OR INDIVIDUAL RESIDENT WHO CHOOSES TO REGISTER TO REQUEST DEFERRAL OR RECONSIDERATION OF A MATTER IF SUCH MATTER IS NOT DULY NOTICED PURSUANT TO THIS ORDINANCE, PROVIDE THAT ANY AMENDMENT OR REPEALER OF THIS ORDINANCE SHALL REQUIRE THE AFFIRMATIVE VOTE OF 5/7TH OF THE CITY COMMISSION, DIRECT THE CITY MANAGER OR THE MANAGER'S DESIGNEE TO CONDUCT PERIODIC REVIEW AND PREPARE ANNUAL WRITTEN REPORTS, AND PROVIDE THAT THIS ORDINANCE SHALL BE ADMINISTERED BY THE OFFICE OF THE CITY MANAGER; AND PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

ANALYSIS

See memorandum attached.

FINANCIAL INFORMATION

Staff has conducted an analysis of the Resident's Right to Know Ordinance to provide targeted neighborhood notice, timely opportunities for input, and procedural fairness in hearings for any proposed policy, ordinance, project, or other matter that impacts residents' quality of life and has concluded that the following tools can be used to disseminate information to residents and meet the requirements of the proposed ordinance:

- ListServe: this is a system used by Communications Department to send out email blasts to users

who sign up. Individuals or neighborhood associations are able to sign up for the distribution list. Staff would use this to disseminate information as needed per the proposed Ordinance.

- MB Resident Connect: this is a tool to stay up-to-date on the topics that matter most to the user. The online system, accessible via the internet at <https://secure.miamibeachfl.gov/mbresidentconnect>, lets users sign up to receive electronic alerts based on keywords of their choosing. When city meeting agendas are published, the user receives an email if one of the keywords they set up is part of the agenda. These keywords may be found within documents from a City Commission meeting or committee meetings, including Finance & Citywide Projects Committee, Land Use & Development Committee, Neighborhood / Community Affairs Committee, and Sustainability & Resiliency Committee; the Planning Board, Design Review Board, Historic Preservation Board, and Board of Adjustments. The system checks for keywords daily and notifies the user via email when a new document containing the keyword is found. The initial alert contains results dating back 30 days.

Considering the use of these existing technology tools, Staff does not initially anticipate a financial impact to departments, however, the need for additional resources will be monitored over time.

Legislative Tracking

Office of the City Attorney

Sponsor

Commissioner Kristen Rosen Gonzalez and Commissioner Michael Grieco

ATTACHMENTS:

Description

- Memorandum Re Residents Right to Know
- Ordinance

MIAMI BEACH

OFFICE OF THE CITY ATTORNEY
RAUL J. AGUILA, CITY ATTORNEY

COMMISSION MEMORANDUM

To: Mayor Philip Levine
Members of the City Commission
Jimmy Morales, City Manager

From: Raul J. Aguila, City Attorney

Date: July 26, 2017

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 II, ENTITLED "CITY COMMISSION," BY CREATING SECTION 2-14 TO BE ENTITLED "RESIDENTS' RIGHT TO KNOW," TO CODIFY THE LEGISLATIVE INTENT OF THIS ORDINANCE, DEFINE MATTERS THAT IMPACT RESIDENTS' QUALITY OF LIFE, PROVIDE THAT THE CITY COMMISSION SHALL ADOPT A PROCESS FOR REGISTERING NEIGHBORHOOD ASSOCIATIONS AND INDIVIDUAL RESIDENTS WHO CHOOSE TO REGISTER, REQUIRE TARGETED ELECTRONIC NEIGHBORHOOD NOTICES FOR MATTERS THAT IMPACT RESIDENTS' QUALITY OF LIFE, ALLOW FOR TIMELY OPPORTUNITIES FOR PUBLIC INPUT, SUPPLEMENT EXISTING PROVISIONS IN THE CITY CODE RELATING TO PROCEDURAL FAIRNESS IN QUASI-JUDICIAL HEARINGS, ALLOW A REGISTERED NEIGHBORHOOD ASSOCIATION OR INDIVIDUAL RESIDENT WHO CHOOSES TO REGISTER TO REQUEST DEFERRAL OR RECONSIDERATION OF A MATTER IF SUCH MATTER IS NOT DULY NOTICED PURSUANT TO THIS ORDINANCE, PROVIDE THAT ANY AMENDMENT OR REPEALER OF THIS ORDINANCE SHALL REQUIRE THE AFFIRMATIVE VOTE OF 5/7THS OF THE CITY COMMISSION, DIRECT THE CITY MANAGER OR THE MANAGER'S DESIGNEE TO CONDUCT PERIODIC REVIEW AND PREPARE ANNUAL WRITTEN REPORTS, AND PROVIDE THAT THIS ORDINANCE SHALL BE ADMINISTERED BY THE OFFICE OF THE CITY MANAGER; AND PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

Pursuant to the request of Commissioner Michael Grieco and Commissioner Kristen Rosen Gonzalez, attached is an Ordinance amending Chapter 2 of the City Code to create a "Residents' Right to Know" Ordinance. The Ordinance passed on First Reading at the May 17, 2017 City Commission meeting.

The intent of the Ordinance is to supplement any notice and procedural requirements set forth in the City Code or State law that are currently applicable to the City, in order to provide targeted neighborhood notice, timely opportunities for input, and procedural fairness in hearings for any

proposed policy, ordinance, project, or other matter that impacts residents' quality of life, which matters are defined in the Ordinance.

The Residents' Right to Know Ordinance is a groundbreaking proposal that, together with the recent implementation of the MB Resident Connect system,¹ will provide residents with unprecedented targeted electronic notices of specific City actions. The notices contemplated in the Ordinance will require the coordination of the City Administration (especially the Information Technology Department), the City Clerk, and the City Attorney to develop a system and a procedure to implement the Ordinance.

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¹ The MB Resident Connect system, which allows residents to sign up to receive electronic alerts based on keyword searches, may be accessed at <https://secure.miamibeachfl.gov/mbresidentconnect>.