



# MIAMI BEACH

OFFICE OF THE CITY MANAGER

## COMMITTEE MEMORANDUM

TO: **Neighborhood/Community Affairs Committee**

Commissioner Edward L. Tobin, Chair  
Commissioner Micky Steinberg, Vice-Chair  
Commissioner Deede Weithorn, Member  
Commissioner Joy Malakoff, Alternate

FROM: Jimmy L. Morales, City Manager

DATE: February 28, 2014

SUBJECT: MEETING OF THE NEIGHBORHOOD/COMMUNITY AFFAIRS COMMITTEE (NCAC) ON FRIDAY, FEBRUARY 28, 2014

A meeting of the Neighborhood/Community Affairs Committee has been scheduled for Friday, February 28, 2014 at 3:00pm in the Commission Chamber, 3<sup>rd</sup> Floor of City Hall.

The agenda for the meeting is as follows:

### OLD BUSINESS

1. **Discussion Regarding Bringing The Junior Orange Bowl Tennis Tournament To Miami Beach.**

*Commission Item C4S  
(Requested by Commissioner Edward L. Tobin)*

Max Sklar, Tourism, Culture, and Economic Development Director

2. **Discussion Regarding City's Design for New Median on South Pointe Drive.**

*Commission Item R9A  
(Requested by Commissioner Edward L. Tobin)*

Eric Carpenter, Public Works Director

3. **Discussion Regarding The Modification Of South Beach Local Circulator Service To Belle Isle And Improvement Of On-Time Performance On The Bi-Directional Route.**

*Commission Item C4C  
(Requested by Public Works)*

Eric Carpenter, Public Works Director

4. **Discussion Regarding The Review Of Existing Policy On Public Testimony At Public Meetings.**

*Commission Item C4F  
(Requested by City Attorney's Office and Office of the City Manager)*

City Attorney's Office

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

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5. **Discussion Regarding Creating A Community Vegetable Garden Through Our Parks & Recreation Program For Miami Beach Elderly In Our Senior Centers; To Include Regular Transportation To The Garden.**

*Commission Item C4K*

*(Requested by Commissioner Tobin)*

John Rebar, Parks and Recreations Director

6. **Discussion Regarding Sightseeing And Tour Bus Industry Regulations.**

*Commission Item C6B*

*(Requested by Commissioner Tobin)*

Jose Gonzalez, Transportation Manager

### **NEW BUSINESS**

7. **Discussion Regarding An Approval To Award A Contract, Pursuant To Invitation To Bid (ITB) No. 2013-171TC For The Playground Fence At South Pointe Park. Pending Legislation.**

*Commission Item C2F*

*(Requested by Parks and Recreation/Procurement)*

John Rebar, Parks and Recreations Director

8. **Discussion Regarding A Request From the North Bay Village Mayor To Discuss North Bay Village Residents' Use Of The Normandy Isle.**

*Commission Item C4B*

*(Requested by Parks & Recreation)*

John Rebar, Parks and Recreations Director

9. **Discussion Regarding How We Can Make Nautilus Middle School The Best In The Country And/Or The Creation Of A Miami Beach Middle School.**

*Commission Item C4G*

*(Requested by Commission Tobin)*

Leslie Rosenfeld, Organizational Development and Training Specialist

10. **Discussion Regarding Beachfront Concession Buffer Zones.**

*Commission Item C4F*

*(Requested by City Manager's Office)*

Max Sklar, Tourism, Culture, and Economic Development Director

- c: Mayor and Members of the City Commission  
Jose Smith, City Attorney  
Kathie Brooks, Assistant City Manager  
Joe Jimenez, Assistant City Manager  
Mark Taxis, Acting Assistant City Manager  
Rafael E. Granado, City Clerk

Neighborhood/Community Affairs Committee Meeting  
February 28, 2014

**DISCUSSION REGARDING BRINGING THE JUNIOR ORANGE BOWL TENNIS TOURNAMENT TO MIAMI BEACH.**

*Commission Item C4S  
(Requested by Commissioner Edward L. Tobin)*

To be presented by Max Sklar, Tourism, Culture, and Economic Development Director

**ITEM #1**

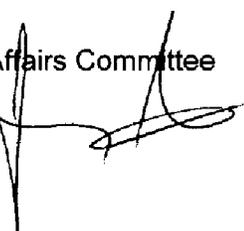


# MIAMI BEACH

OFFICE OF THE CITY MANAGER

## COMMITTEE MEMORANDUM

TO: Neighborhood and Community Affairs Committee

FROM: Jimmy L. Morales, City Manager 

DATE: February 28, 2014

SUBJECT: **DISCUSSION REGARDING BRINGING THE JUNIOR ORANGE BOWL TENNIS TOURNAMENT TO MIAMI BEACH.**

### **BACKGROUND**

The Orange Bowl Tennis Championship began at Flamingo Tennis Center, Miami Beach. This facility, hosted the tournament until 1998, when it was moved to Crandon Park in Key Biscayne, Florida. The Orange Bowl was started by Eddie Herr, who wanted to bring some winter competition to South Beach for his tennis playing daughter. The tournament grew in prestige and importance. In 1983, a professional stadium was built in Flamingo Park, the Abel Holtz stadium, which seated 9,000 fans. The standards of the Orange Bowl could not be maintained and the tournament was moved in 1999 to the Tennis Center at Crandon Park in Key Biscayne, home of the Sony Ericsson Open. Several years ago the Tournament was moved to the City of Plantation. As explained to the City by the USTA, the City of Plantation provides in-kind police services/security, transportation, marketing and advertising support for the event.

Players who have competed at the Orange Bowl include Andre Agassi, Arthur Ashe, Boris Becker, Björn Borg, Jimmy Connors, Jim Courier, Stefan Edberg, Chris Evert, Roger Federer, Steffi Graf, Ivan Lendl, Andy Roddick, Gabriela Sabatini, Monica Seles, and Mary Joe Fernandez.

As you know, the City recently completed the renovation of the Flamingo tennis facility, which includes a new 5,000 sq ft tennis building and 17 clay hydro-courts. In anticipation of the completion of the new facility, Commissioner Tobin referred this item to the Neighborhood and Community Affairs Committee in order to see if the City could attract the tournament back to Flamingo Park. The Tournament moved to Plantation, in part, because there is no current facility in Miami-Dade County that offers the sufficient clay courts to meet their needs. Miami Beach could accommodate the tournament by combining the new Flamingo Park tennis center with the clay courts at North Shore Park.

City staff and staff from the Greater Miami Convention and Visitors Bureau (GMCVB) have been engaged in ongoing discussions with the Orange Bowl Committee and the United States Tennis Association (USTA) Director of Junior Competition, Lewis Brewer. Based on these discussions the following is a list of items that need to be addressed in order to meet the USTA's needs.

**Parking and Transportation:** A limited amount of parking could be accommodated at Flamingo Park, but the majority of the parking would be located off-site at both public and private parking lots and garages in the area surrounding Flamingo Park. A shuttle would need to be provided to help transport attendees to and from the park.

**Hotel Rooms:** The Tournament requires 2,200 total room nights with 300 rooms on peak at a daily rate of \$108. This is especially challenging as the Tournament overlaps with Art Basel Miami Beach. The City has been working with the GMCVB to identify potential hotels both within the City and on the mainland that could accommodate their needs. Attached is a copy of a hotel occupancy and average daily rate analysis for the time period in question. It is likely the hotel rates will need to be subsidized in order to meet the tournament's needs.

**Spectator Bleachers and Concessions:** Temporary bleachers would be required to provide seating for spectators. Bleachers are readily available for rental and can be installed on a temporary basis for the tournament. Additionally, temporary concession operations would need to be contracted to service the attendees throughout the tournament.

The USTA has previously expressed concerns that Flamingo Park does not have enough on-site parking or clay courts to meet their full need. As previously stated they would have to use both of the City's tennis facilities (Flamingo and North Shore), which is not ideal for them. It is likely that hotel room rates would need to be subsidized to meet the needs of the USTA. Hotel room subsidies is not a common practice for events, but there are examples of room rebates that may be applied on the back-end to offset general costs. Arrangements would also need to be made between the City and USTA to address other accommodations such as bleachers and concessions, but these logistical requirements are relatively easy to address if negotiations progress.

The Neighborhoods and Community Affairs Committee discussed this item at their July 29, 2013 meeting and directed the Administration to send a formal letter to the USTA expressing the City's interest in having the tournament return to Miami Beach. The City Manager sent a letter to Scott Schultz, Managing Director of the USTA, which was never responded to by the USTA. Additionally, staff sent several emails to Lewis Brewer, Director of Junior Competition, and also did not receive any response.

Staff can certainly continue to pursue the tournament, but there does not seem to interest from the USTA at this time.

## **CONCLUSION**

The City Administration is seeking direction from the NCAC.

JLM/KGB/MAS

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Neighborhood/Community Affairs Committee Meeting  
February 28, 2014

**DISCUSSION REGARDING CITY'S DESIGN FOR NEW MEDIAN ON SOUTH POINTE DRIVE.**

*Commission Item R9A  
(Requested by Commissioner Edward L. Tobin)*

To be presented by Eric Carpenter, Public Works Director

**ITEM #2**

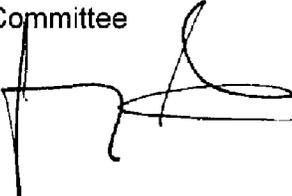


# MIAMI BEACH

OFFICE OF THE CITY MANAGER

## COMMITTEE MEMORANDUM

TO: Neighborhood/Community Affairs Committee

FROM: Jimmy L. Morales, City Manager 

DATE: February 25, 2014

SUBJECT: **DISCUSSION REGARDING A DESIGN FOR A NEW MEDIAN ON SOUTH POINTE DRIVE**

### BACKGROUND

Discussions regarding design for a new median on South Pointe Drive from Washington Avenue to Collins Avenue have been ongoing concerning the width, landscape and location of the median. Currently, a water main exists in the center of the median that would prohibit the installation of large trees or pals. An alternative to relocate the water main was evaluated and determined to be cost prohibitive. The action of the City Commission in the December 11, 2013 Commission meeting was to eliminate the dedicated bike lanes and widen the median by four feet to allow coconut palms to be planted in the median with the water main to remain in its present location.

Pursuant to the Resolution approved by the City Commission, the modification to the Atlantic Greenway Network (AGN) to incorporate a sharrow on the south side of South Pointe Drive as a result of the median expansion will be done as part of the City's ongoing AGN Master Plan Update effort (Phase 2). The concern expressed by the City Commission that vehicles slow down for bicyclists will be addressed through signage as part of the median project. The Transportation Division will review the modified median design plans to ensure a safe lane shift to the east and west of the median.

During the design phase the proper transition requirement and landscaping details will be developed with the cost estimate for construction.

### CONCLUSION

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

 JJC/JJF/BAM

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Neighborhood/Community Affairs Committee Meeting  
February 28, 2014

**DISCUSSION REGARDING THE MODIFICATION OF SOUTH BEACH LOCAL CIRCULATOR SERVICE TO BELLE ISLE AND IMPROVEMENT OF ON-TIME PERFORMANCE ON THE BI-DIRECTIONAL ROUTE.**

*Commission Item C4C  
(Requested by Public Works)*

To be presented by Eric Carpenter, Public Works Director

**ITEM #3**



# MIAMI BEACH

## COMMITTEE MEMORANDUM

TO: Neighborhood/Community Affairs Committee

FROM: Jimmy L. Morales, City Manager

DATE: February 25, 2014

SUBJECT: **DISCUSSION REGARDING THE POTENTIAL MODIFICATION OF SOUTH BEACH LOCAL CIRCULATOR SERVICE TO BELLE ISLE AND IMPROVEMENT OF ON-TIME PERFORMANCE ON THE BI-DIRECTIONAL ROUTE**

### BACKGROUND

The South Beach Local (SBL) currently serves Belle Isle via an existing stop on the north side of Island Avenue North (Attachment A). The Belle Isle stop is among the stops with the lowest ridership figures along the SBL route, yet it has very high frequency of service. Since the Belle Isle stop is not part of the bi-directional portion of the SBL route, every SBL bus serves the Belle Isle stop. As a result, a total of 123 SBL buses travel to and from Belle Isle on a daily basis from 7:40AM to 11:50PM. On average, fewer than 50 passengers each day use the South Beach Local Belle Isle Extension. Additionally, there have been numerous concerns regarding the current on-time performance of the SBL along the core/bi-directional portion of the route which can be contributed, in part, to the time required for each SBL bus to travel to and from Belle Isle on every trip (approximately eight (8) minutes).

The issue of SBL service to Belle Isle has been recently discussed at various Transportation and Parking Committee (TPC) meetings over the last several months wherein MDT representatives and residents have been present to provide input. After some discussion, the TPC recommended that City staff work with MDT to develop a modified service plan with the intent of 'right-sizing' SBL service to Belle Isle and improving on-time performance on the bi-directional portion of the route.

It is important to note that, concurrently, City staff has been working with MDT to expedite the launch of the MDT Tracker (Next Bus) mobile app service for the SBL by the end of April 2014. MDT Tracker is the County's proprietary free mobile app available for use on iPhones and Android phones that provides users with accurate, comprehensive, and real-time transit information on selected routes on the County's transit system. Currently, the Next Bus mobile app service is only available for Metrorail service and a new enhanced bus service that operates along Kendall Drive known as the Kendall Cruiser/Route 288. Once the Next Bus mobile app service is available on the SBL, users will have access to accurate, real-time information on this popular circulator service. The mobile app will allow users to see the estimated arrival time of the next SBL bus, store their favorite SBL bus stops as favorites, see the location of the SBL bus on a map and visually track it as it approaches their bus stop. The quick and convenient accessibility of real-time and accurate transit information has proven to increase ridership on transit systems as well as improve the experience of transit riders as a result of better transit

service reliability.

## **ANALYSIS**

Pursuant to the TPC's recommendation, the City's Transportation Division has been working with MDT to jointly develop an appropriate service plan for Belle Isle and improve on-time performance along the core route. As a result, three (3) service plan options have been developed (Attachment B) consisting of the following service to Belle Isle:

1. Every other trip serves Belle Isle until 11 PM with headways ranging from 26 minutes during peak to 40 minutes during off-peak. Total number of trips per day – 62.
2. Every third trip serves Belle Isle until 11PM with consistent headways of approximately 40 minutes throughout the day. Total number of trips per day – 50.
3. Every third trip serves Belle Isle until 6PM with consistent headways of approximately 40 minutes (until 6PM). Total number of trips per day – 32.

An evaluation of the monthly ridership by time of day at the Belle Isle stop reflects that boardings are spread throughout the day, with no real discernible pattern; however, most trips occur before 6PM. Based on an evaluation of current level of service and ridership, MDT recommended option 3 above. MDT has stated that this type of change of service can be implemented independently and in advance of a service line-up change, which typically occurs twice a year - in June and November of each year.

At the TPC meetings in the months of September, October, and November 4, 2013, MDT and City staff presented the three (3) Belle Isle service options as well as a status update on the schedule of implementation of the Next Bus mobile app service. After some discussion, the TPC recommended deferring any potential modifications to the current SBL service to Belle Isle until the Next Bus mobile app service is available on the SBL and riders have become accustomed to using it to plan their trip. The TPC agreed that through the use of the mobile app service, ridership at the Belle Isle stop can potentially increase and concluded that it would revisit the Belle Isle service at a future date.

## **RECOMMENDATION AND NEXT STEPS**

Pursuant to the TPC's recommendation, the Administration recommends deferring any modifications of SBL service to Belle Isle at this time and is working diligently with MDT to expedite the launch of the Next Bus mobile app on the SBL by the end of April 2014. Additionally, MDT anticipates installing the equipment necessary to make the mobile app available on the Airport Flyer (Route 150) by June 2014.

According to MDT staff, since the SBL is considered a local municipal circulator, the required modems and ancillary equipment on the fleet of eleven (11) SBL were not scheduled for installation for at least another couple of years. However, the City and MDT have been working closely on this issue and MDT has agreed to advance the installation of the equipment to April 2014 provided that the City agreed to purchase the required equipment and replenish the County's inventory once the equipment arrives. As such, on December 11, 2013, the City Commission approved an amendment to the Interlocal Agreement with Miami-Dade County for the purpose of implementing the MDT "Next Bus" mobile app service for the SBL and future North Beach Local. The City has issued a requisition for the purchase of the equipment.

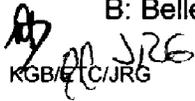
The Administration is confident that making this technology available on the SBL by April 2014 will help to promote public transit and improve ridership and service reliability on the SBL. Further, once the modems are installed on the SBL buses, the availability of the mobile app service will allow the City and MDT to more effectively re-evaluate SBL service to Belle Isle.

The above information is provided to the members of the Neighborhood/Community Affairs Committee for discussion and input.

**Attachments:**

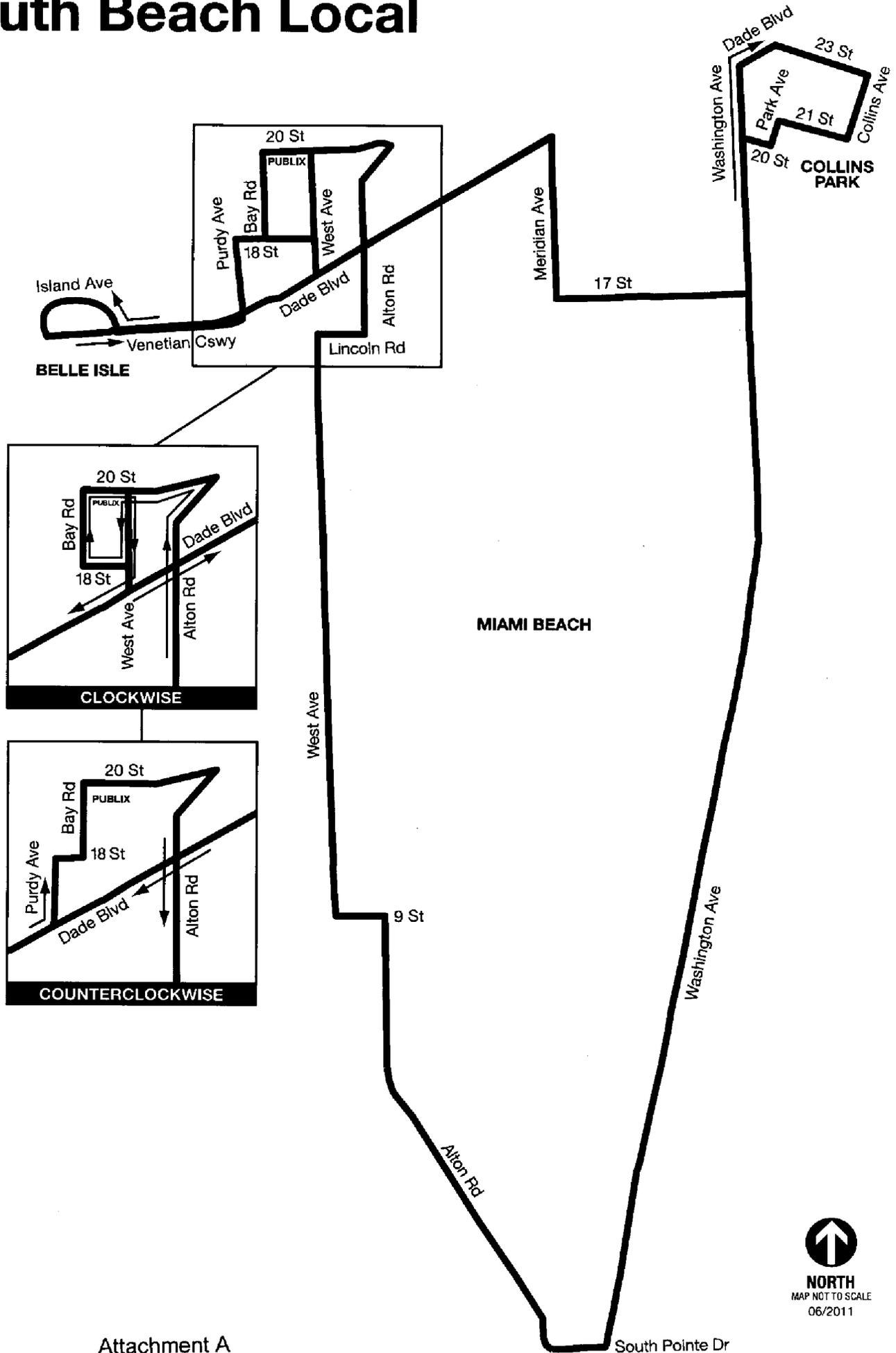
A: South Beach Local Route Map

B: Belle Isle Extension Service Plan Options

 KGB/TC/JRG

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# South Beach Local



South Beach Local Route 123  
Service to Belle Isle

Current	Every Other Trip	Every Third Trip (Off-peak)	Every Third Trip (Off-peak), end around 6pm
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Clockwise:

753a	753a	753a	753a
824a			
844a	844a	844a	844a
904a			
924a	924a	924a	924a
944a			
1004a	1004a	1004a	1004a
1017a			
1030a	1030a		
1043a		1043a	1043a
1056a	1056a		
1109a			
1122a	1122a	1122a	1122a
1135a			
1148a	1148a		
1201p		1201p	1201p
1214p	1214p		
1227p			
1240p	1240p	1240p	1240p
1253p			
106p	106p		
119p		119p	119p
132p	132p		
145p			
203p	203p	203p	203p
216p			
229p	229p		
242p		242p	242p
255p	255p		
313p			
326p	326p	326p	326p
339p			
352p	352p		
405p		405p	405p
418p	418p		
431p			
444p	444p	444p	444p
457p			
510p	510p		
523p		523p	523p

South Beach Local Route 123  
Service to Belle Isle

536p	536p		
549p			
602p	602p	602p	602p
615p			
634p	634p		
654p		654p	
714p	714p		
734p		734p	
754p	754p		
814p		814p	
834p	834p		
854p		854p	
914p	914p		
934p		934p	
954p	954p		
1014p		1014p	
1034p	1034p		
1054p		1054p	
1114p	1114p		
1134p		1134p	
1154p	1154p		

Counter-clockwise:

823a	823a	823a	823a
954a		854a	854a
914a	914a		
934a		934a	934a
954a	954a		
1015a		1015a	1015a
1038a	1038a		
1055a		1055a	1055a
1108a	1108a		
1121a			
1134a	1134a	1134a	1134a
1147a			
1200p	1200p		
1213p		1213p	1213p
1226p	1226p		
1239p			
1252p	1252p	1252p	1252p
105p			
119p	119p		
132p		132p	132p
146p	146p		
159p			
212p	212p	212p	212p

South Beach Local Route 123  
Service to Belle Isle

225p			
243p	243p		
256p		256p	256p
309p	309p		
322p			
335p	335p	335p	335p
353p			
407p	407p		
420p		420p	420p
433p	433p		
446p			
459p	459p	459p	459p
512p			
525p	525p		
538p		538p	538p
551p	551p		
604p			
616p	616p	616p	616p
628p			
639p	639p		
650p		650p	
706p	706p		
726p		726p	
746p	746p		
806p		806p	
826p	826p		
843p		843p	
903p	903p		
923p		923p	
943p	943p		
1003p		1003p	
1023p	1023p		
1043p		1043p	
1103p	1103p		
1123p		1123p	
1143p	1143p		
1203a		1203a	
1223a	1223a		
1243a		1243a	

Total Trips:

132	62	50	32
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Neighborhood/Community Affairs Committee Meeting  
February 28, 2014

**DISCUSSION REGARDING THE REVIEW OF EXISTING POLICY ON PUBLIC TESTIMONY  
AT PUBLIC MEETINGS.**

*Commission Item C4F*

*(Requested by City Attorney's Office and Office of the City Manager)*

To be presented by City Attorney's Office

**ITEM #4**



# MIAMI BEACH

OFFICE OF THE CITY ATTORNEY

JOSE SMITH, CITY ATTORNEY

## COMMITTEE MEMORANDUM

**TO:** Members of the Neighborhood/Community Affairs Committee  
Jimmy L. Morales, City Manager

**FROM:** Jose Smith, City Attorney 

**DATE:** February 28, 2014

**SUBJECT:** An Ordinance amending Chapter 2 of the Code of the City of Miami Beach, entitled "Administration," by amending Article I, entitled "In General," by creating Section 2-1, to be entitled "Reasonable Opportunity to be Heard," to provide rules regarding public participation in City meetings.

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During the 2013 Florida Legislative Session, Senate Bill No. 50 passed which became effective October 1, 2013. The new law created Section 286.0114 of the Florida Statutes and requires that members of the public be given a reasonable opportunity to be heard by a board or commission before it takes action on a proposition. While the City of Miami Beach provides many opportunities for the public to be heard at public meetings, this matter was referred by the City Commission at the October 16, 2013 City Commission meeting to the Neighborhood/Community Affairs Committee for its review of the City's existing policies and procedures. The attached Ordinance was drafted by the City Attorney's Office to propose provisions to codify the City's policies with regard to public participation in the City Code.

JS/DT/sc

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 2 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "ADMINISTRATION," BY AMENDING ARTICLE I, ENTITLED "IN GENERAL," BY CREATING SECTION 2-1, TO BE ENTITLED "REASONABLE OPPORTUNITY TO BE HEARD," TO PROVIDE RULES REGARDING PUBLIC PARTICIPATION IN CITY MEETINGS; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE.

WHEREAS, during the 2013 Legislative Session, the Florida Legislature adopted Senate Bill 50 which created Section 286.0114 of the Florida Statutes establishing requirements for rules or policies adopted by State or local boards and commissions with regard to the public being given a reasonable opportunity to be heard by such boards before official action is taken on a proposition; and

WHEREAS, the Miami Beach City Charter's 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 of an issue, request, or controversy within the jurisdiction of the City; and

WHEREAS, in conformance with established City policy and procedures for reasonable opportunities to be heard by the public, and the new provisions in Section 286.0114 of the Florida Statutes, the following amendments to Chapter 2 of the City Code are deemed to be in the best interests of the City.

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

**SECTION 1.**

That Chapter 2, Section 2-1 of the Miami Beach City Code is hereby amended as follows:

**Chapter 2**

**ADMINISTRATION**

**ARTICLE I. IN GENERAL**

\* \* \*

**Sec. 2-1. ~~Reserved.~~ Reasonable opportunity to be heard.**

- (a) Members of the public shall be given a reasonable opportunity to be heard and to provide public comment on a proposition before the City Commission and any City agency, board, or committee. All references in this section to "board" shall apply to the City Commission and all City agencies, boards, and committees provided for in this Code or created by a resolution of the City Commission. The opportunity to be heard need not occur at the same meeting at which the board takes official action on the proposition if the opportunity occurs at a meeting that

is during the decision-making process and is within reasonable proximity in time before the meeting at which the board takes official action. This section does not prohibit the board from maintaining orderly conduct or proper decorum in a public meeting. The opportunity to be heard is subject to the restrictions of this section.

(b) The requirements of this section do not apply to:

(1) An official act that must be taken to deal with an emergency situation affecting the public health, welfare, or safety, if compliance with the requirements would cause an unreasonable delay in the ability of the board to act;

(2) An official act involving no more than a ministerial act, including, but not limited to, approval of minutes and ceremonial proclamations;

(3) A meeting that is exempt from Florida's Government in the Sunshine Law;  
or

(4) A meeting during which the Board is acting in a quasi-judicial capacity. This paragraph does not affect the right of a person to be heard as otherwise provided by law. The portion of a meeting during which the board is acting in a quasi-judicial capacity shall be conducted in accordance with sections 2-511 through 2-513 of the City Code.

(c) The City Clerk, or the liaison or secretary to any City agency, board, or committee, is hereby authorized to provide a form to any individual who desires to be heard in order to inform the board of the proposition on which an individual wishes to speak and to indicate his or her support, opposition, or neutrality on a proposition; and to indicate his or her designation of a representative, if any, to speak for him or her, or his or her group, on a proposition.

(d) An individual speaker's time to provide public comment shall be limited to three (3) minutes; however, by a majority vote of the board's membership, the board may provide additional time for further public comment on any proposition.

(e) When a large number of individuals wish to be heard on a proposition, the Mayor, or board Chairperson, may request that a representative of the group or faction speak on behalf of said group or faction, rather than all members of such group or faction. In such event, the representative shall be limited to five (5) minutes to speak; however, by a majority vote of the board's membership, the board may provide additional time to speak.

(f) If an ordinance fails on first reading before the City Commission pursuant to a vote or inaction, the reasonable opportunity to be heard shall be deemed to have occurred at a Commission Committee meeting where the ordinance was on the agenda and an opportunity to be heard on the ordinance was provided, or during the Dr. Stanley Sutnick Citizen's Forum held during the same City Commission meeting when the ordinance is on the agenda for first reading. In addition, the sponsor of the ordinance may request that another opportunity to be heard be provided prior to, or after, the Commission's discussion or vote on the ordinance during first reading.

Sec.s 2-2 – 2-10. Reserved.

**SECTION 2. REPEALER.**

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

**SECTION 3. SEVERABILITY.**

If any section, 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 the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

**PASSED and ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

**ATTEST:**

\_\_\_\_\_  
PHILIP LEVINE, MAYOR

\_\_\_\_\_  
RAFAEL E. GRANADO, CITY CLERK

Underline denotes additions  
~~Strike through~~ denotes deletions

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APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION  
  
\_\_\_\_\_  
CITY ATTORNEY  
2/10/14  
DATE

Neighborhood/Community Affairs Committee Meeting  
February 28, 2014

**DISCUSSION REGARDING CREATING A COMMUNITY VEGETABLE GARDEN THROUGH OUR PARKS & RECREATION PROGRAM FOR MIAMI BEACH ELDERLY IN OUR SENIOR CENTERS; TO INCLUDE REGULAR TRANSPORTATION TO THE GARDEN.**

*Commission Item C4K  
(Requested by Commissioner Tobin)*

To be presented by John Rebar, Parks and Recreations Director

**ITEM #5**



# MIAMI BEACH

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

## COMMITTEE MEMORANDUM

TO: Neighborhoods/Community Affairs Committee Members

FROM: Jimmy L. Morales, City Manager *JLM*

DATE: February 13, 2014

SUBJECT **Referral To The Neighborhood/Community Affairs Committee - Discussion Regarding Creating A Community Vegetable Garden Through Our Parks & Recreation Program For Miami Beach Elderly In Our Senior Centers; To Include Regular Transportation To The Garden.**

### **BACKGROUND**

Item referred to NCAC at December 11, 2013 City Commission Meeting by Commissioner Tobin, Item C4K.

See attached memo from Commissioner Tobin.

JLM/JMT/JR



# MIAMI BEACH

OFFICE OF THE MAYOR AND COMMISSION

## MEMORANDUM

TO: Jimmy Morales, City Manager

FROM: Ed Tobin, Commissioner

DATE: December 2<sup>nd</sup>, 2013

SUBJECT: Agenda item for December 11<sup>th</sup>, 2013 City Commission Meeting

Please place on the December 11<sup>th</sup> City Commission Meeting a referral to Neighborhoods/Community Affair Committee a discussion regarding creating a community vegetable garden through our Parks & Recreation Program for Miami Beach elderly in our Senior Centers; to include regular transportation to the garden.

If you have any questions please do not hesitate to call our office.

Best Regards,

Dessiree Kane  
on behalf of Commissioner Ed Tobin

We are committed to providing excellent public services and our employees work hard and play hard to make Miami Beach a better community.

257

Agenda Item CYK  
Date 12-11-13

Neighborhood/Community Affairs Committee Meeting  
February 28, 2014

**DISCUSSION REGARDING SIGHTSEEING AND TOUR BUS INDUSTRY REGULATIONS.**

*Commission Item C6B  
(Requested by Commissioner Tobin)*

To be presented by Jose Gonzalez, Transportation Manager

**ITEM #6**

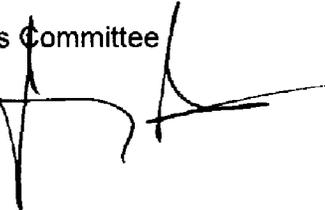


# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, [www.miamibeachfl.gov](http://www.miamibeachfl.gov)

## COMMITTEE MEMORANDUM

TO: Neighborhood/Community Affairs Committee

FROM: Jimmy L. Morales, City Manager 

DATE: February 25, 2014

SUBJECT: **DISCUSSION REGARDING SIGHTSEEING AND TOUR BUS SERVICES FROM VARIOUS LOCATIONS IN THE CITY.**

This issue was referred to the Transportation and Parking Committee (TPC) and Neighborhood/Community Affairs Committee (NCAC) by the City Commission at the meeting of March 13, 2013. The Administration held a workshop with the sightseeing and tour bus industry on Monday, June 24, 2013. The TPC discussed the item at their July 1, 2013 meeting. The NCAC discussed the item on September 30, 2013. At the meeting, the NCAC recommended that the Administration meet with the industry again, go back to TPC for input, and bring the item back to NCAC.

The item was discussed at the City Commission meeting of February 12, 2014. After some discussion, the Commission made a motion directing the Administration to prohibit buses from stopping on Ocean Drive until there is a regulation or policy in place. While the companies can continue to operate their buses along Ocean Drive, no loading or unloading of passengers will be permitted.

### **BACKGROUND**

Sightseeing and tour bus services are a growing industry in the region, including Miami Beach. There are mainly two types of services currently in operation in the City, (1) Hop-on/Hop-offs (HH) have multiple passenger loading areas along an established route; and (2) Entertainment Tours have one loading area (Miami-Dade County bus stops) where passengers load/unload at the same location.

### **Hop-on/Hop-off Tours**

Hop-on/Hop-off (HH), also often known as Loop Tours, provide a quick and convenient way to get an overview of a city. These tours are frequently used by visitors on their first day or two in a new city as it provides an overview of the area, while a tour guide provides a history and interesting facts of the city as well. Typically, after seeing most of the major sites via the HH bus, tourists determine an itinerary for the rest of their stay, deciding which area of the city they want to visit again on their own. HH tours are also often used by visitors who only have a very short amount of time in an area as it enables them to cover a lot of ground in a short period of time and experience most of the major attractions of a city.

Although there are many other types of tours offered in Greater Miami, the area was one of the only major market cities in the United States that did not have a HH city tour.

Gray Line Miami (dba Big Bus Tours) began operating a HH sightseeing tour in Miami-Dade County in January 2010. As a result of Gray Line's success, other HH services have established operations in Miami Beach. Currently, the following three (3) companies are operating HH services in Miami Beach:

- 1) Big Bus Tours
- 2) Miami Open City Tour
- 3) City Sightseeing Miami

The services have been so well received by tourists that the companies have expanded their fleet of open-air double deck buses. These open-air double deck buses are themselves an attraction and commonly result in higher ridership once introduced into a market. The HH serviced currently operating in Miami Beach are similar to other city sightseeing tours in New York, Chicago, Washington, D.C., San Francisco, Paris, and London, to name a few. The services run daily, typically originating from a central station located in Downtown Miami and offering two (2) loops: the Beach Loop and City Loop. In order to start the tour service, the companies have entered into an agreement with Miami-Dade Transit to use bus stops throughout Miami Beach and Miami-Dade County for each stop of the tour. In addition to those stops, the City provided tour buses and sightseeing companies with a stop on Ocean Drive and at the Fillmore Miami Beach at the Jackie Gleason Theater. Each stop on the tour is serviced on 60 minute intervals, allowing enough time for passengers to see points of interest or to patronize area businesses. While on the tour bus, participants also enjoy a multi-lingual, GPS-triggered narration of the City. Additionally, the tour bus and sightseeing companies sell tours offered by the Miami Design Preservation League (MDPL), boat/cruise tours, Everglades tours, and tickets to area museums and attractions.

Operators have independently approached the City about partnering to add kiosks at key locations in Miami Beach, to increase their visibility and ridership. In other cities with HH service, on-street kiosks are handled through a permit or license. However, in Miami Beach, the City Code does not allow for the sale of goods or services from the public rights-of-way. A concession agreement would be required if the City desired to offer this service.

### **Entertainment Tours**

Currently, entertainment tours in Miami Beach are predominantly comprised of two operators, (1) Duck Tours and (2) Pirate Tours.

- (1) Duck Tours has been operating in the City for approximately ten (10) years with a tour bus stop located on the Lincoln Road between Washington Avenue and James Avenue. A single bus stop serves as the only passenger loading area since tours start and end at the same location.
- (2) Pirate Tours has been operating for approximately one (1) year with a tour bus stop located on Washington Avenue immediately adjacent to Soundscape Park. Similarly, a single bus stop serves as the only passenger loading area since tours start and end at the same location.

Both operators are utilizing Miami-Dade Transit bus stop locations. Current Miami-Dade Transit staff claim that they were not aware of any prior approvals by their predecessors for use of the

two referenced bus stop locations. City staff is awaiting both entertainment tour operators to provide written confirmation from MDT. Both operators have expressed an interest in operating on Ocean Drive and have requested curbside parking either on or immediately adjacent to Ocean Drive.

### **Previous Committee and Commission Committee Discussions**

#### **Finance and Citywide Projects Committee (FCWPC) – December 16, 2010**

The item was initially discussed by the Committee at their December 16, 2010, meeting. At that time, members of the Committee cited concerns that the issuance of an RFP and resulting contract award could lead to litigation similar to that experienced by the City of Key West. The Committee directed staff to research the Key West case and to also provide additional information on potential revenue share projections if a concession agreement were executed.

Pursuant to the FCWPC's recommendation, the City Attorney's Office researched the referenced litigation between Duck Tours and the City of Key West. Duck Tours was seeking to operate tours of Key West similar to their operations in other cities. Duck Tours operation included the pick-up of passengers from various sites for transport to the harbor, a "splash down" into the water, and the harbor tour. The City of Key West had franchise agreements for sightseeing services with two sister entities: Conch Tour Train, Inc. and Buggy Bus, Inc., d/b/a Old Town Trolley, both owned by Historic Tours of America ("HTA"). These agreements were made by municipal ordinances that not only granted franchise status to the train and trolley tours, but prohibited the issuance of similar franchises to competitors. The ordinances also prohibited any sightseeing or shuttle company, other than the train and trolley tours, from having offices, depots, ticket sales booths, and/or passenger loading or unloading "stops" within 1,000 feet of the Train's and Trolley's existing depots. Duck Tours argued that this created a monopoly and violated the Commerce Clause of the United States Constitution.

#### **Finance and Citywide Projects Committee (FCWPC) – January 27, 2011**

The City Administration and City Attorney's Office researched the referenced litigation between Duck Tours and the City of Key West and reported back to the FCWPC at its January 27, 2011 meeting. The Administration clarified to the FCWPC that the City has no intention of awarding an exclusive contract as part of a potential RFP. Therefore, the City Attorney's Office is comfortable with proceeding with a RFP should the City Commission decide to do so.

The Committee raised concerns over allowing commercial sales in the public rights-of-way and whether this would set a precedent requiring the City to allow other types of street vendors. Another stated concern was the congestion that on-street kiosks may add to the City. The Committee referred the item to the Land Use and Development Committee and asked the City Attorney's Office to research the issue of commercial sales in the public rights-of-way.

#### **Land Use and Development Committee (LUDC) – April 21, 2011**

At the LUDC meeting on April 21, 2011, City staff explained the current service operating in the City and the concern with the practice of selling tickets on the streets rather than inside buildings. The Committee expressed their direction to permit only inside sales, rather than outdoor vending.

Transportation and Parking Committee (TPC) – July 1, 2013

On July 1, 2013, the TPC discussed the issue of sightseeing and tour buses. The TPC did not vote on the item; however, members of the Committee provided a sentiment that the number of vehicles/operators should be limited and ticket sales need to be regulated/controlled. The TPC requested that the issue be brought back before them after the NCAC has discussed the issue.

Neighborhood and Community Affairs Committee (NCAQC) – September 30, 2013

The NCAC discussed the item on September 30, 2013. At the meeting, the NCAC recommended that the Administration meet with the industry again, go back to TPC for input, and bring the item back to NCAC.

Industry Workshop – June 24, 2013

The Administration held a workshop with the tour bus and sightseeing industry on Monday, June 24, 2013. Representatives of both HH and entertainment tours were in attendance. After much discussion, the following points were supported by the industry:

- Competitive process for one or more exclusive provider(s) for the City.
- Regulate the industry.
- Two (2) kiosk locations in the City (Ocean Drive and Lincoln Road were suggested)

Ocean Drive Association

The Ocean Drive Association (ODA) has endorsed the HH concept operating on Ocean Drive with the incorporation of appropriate regulations and enforcement. However, the ODA did not endorse entertainment tours operating on Ocean Drive. For purposes of this discussion, "operating" is defined as having a sales kiosk and passenger loading area on the City's right-of-way.

**ANALYSIS**

**Alternative No. 1 – Request for Proposals (RFP)/Concession Agreement**

As tourism is vital to the economic well-being of the community, the City is constantly looking at opportunities to expand entertainment options for tourists and visitors. The Administration believes the issuance of a competitive bidding process such as a Request for Proposals (RFP) for a concession agreement to allow for one or more HH operator(s) to install kiosks at various locations in the City is worth discussing. An RFP would also allow the operator to sell tickets for other tours and tourist attractions. The City is also considering including, as a second level of service, a nighttime circulator linking the 5<sup>th</sup> street and Alton Road garage with the entertainment district. This service has long been discussed as an initiative that would activate the underutilized parking garage at 5<sup>th</sup> & Alton. Based on some preliminary research, staff believes this service has the ability to generate additional revenue for the City while providing a valuable service for tourists. If an RFP were issued, the Administration would ensure that the 5<sup>th</sup> & Alton Garage service is a requirement to be provided by the successful proposer. Notices would be issued to all known companies providing such services.

### Potential Revenue

The primary objective of the RFP would be to enhance and strengthen available offerings for visitors to the community. However, there is a potential to also generate revenue for the City with the execution of a concession agreement. As such, the City would negotiate a percentage share of gross revenue from this concession agreement similar to other agreements entered into by the City. Based on preliminary research, a conservative estimate of 20,000 riders per year paying an average ticket price of \$35 with a 15% gross revenue share for the City could generate approximately \$105,000 per year from this concession.

### Proposed Scope of Work

If the Administration were directed to draft an RFP, the following is a draft of the proposed scope of services.

- The City will grant to the successful proposer, the right, during the Term of this Agreement, to manage and operate two (2) kiosks from designated locations throughout the City.
- The successful proposer must agree to manage and operate these kiosks and will be authorized to conduct the following kinds of business(es) within the Concession Areas, as provided below, all at its sole cost and expense:
  - Permitted Uses:
    1. Operate and manage up to two (2) kiosk locations in the City of Miami Beach, which shall sell and/or provide the following:
      - Hop-on Hop-off sightseeing tours
      - Other tours
      - Attractions
    2. Schedule of Operation:  
Successful proposer's operations shall be open seven (7) days a week, 365 days a year, during agreed upon hours, weather or events of force majeure permitting.
- Security Deposit:  
Upon execution of the Agreement, the successful proposer shall furnish the City with a Security Deposit, as agreed to by the City. Said Security Deposit shall serve to secure successful proposer's performance in accordance with the provisions of the Agreement. In the event the successful proposer fails to perform in accordance with said provisions, the City may retain said Security Deposit, as well as pursue any and all other legal remedies as may be provided by applicable law.
- Minimum Guarantee:  
In consideration of the City executing the Agreement and granting the rights provided in the Agreement, the successful proposer shall pay to the City a Minimum Guaranteed Annual Concession Fee.
- Percentage of Gross:  
During the initial term, and any renewal term, of the Agreement, successful proposer shall pay the City a percentage of successful proposer's gross receipts. In the event that the annual gross receipts is less than the minimum guarantee amount provided in the Agreement, then the successful proposer shall also pay to the City, on an annual basis,

the difference between the gross receipts amount and the minimum guarantee amount.

In the event that the City, at its sole discretion, chooses to extend the term of this Agreement for any renewal term, the renewal term minimum guarantee shall be subject to negotiations.

- Term  
The Term of this Agreement will be for a period of three (3) years with the sole option and discretion of the City, to renew for an additional two (2), two year periods.
- Capital Improvements and Maintenance  
The City shall provide in an "as is" condition, the site(s) to the successful Proposer. The successful Proposer shall be responsible for the capital improvements of the site(s) and full maintenance in a satisfactory manner as determined by the City. The successful Proposer shall be required to design, provide and install all furnishings, fixtures, equipment, finishes, and signage necessary to manage and operate the site(s).

### **Alternative No. 2 – Regulate Industry/No Concession Agreement**

This option would allow market forces to dictate industry supply and demand. Should City Commission prefer this option, some amendments to the City Code would be necessary, including licensing categories; use of public rights-of-way for passenger loading; ticket sales, and various other administrative and operational details.

The Administration researched sightseeing and tour bus regulations in other jurisdictions, including New York, Philadelphia, and Key West. Attachment 1 depicts a draft of potential regulations that could be further refined with input from the industry and Commission Committees and ultimately presented to the City Commission for approval in the coming months.

### **CONCLUSION**

The Administration is seeking guidance from the NCAC regarding sightseeing and tour bus operations. The TPC has requested that this issue be referred back to them after the NCAC has had an opportunity to review and discuss.

On a parallel track, the Administration is coordinating an additional industry meeting to obtain further input on the proposed regulations and arrive at a consensus document before taking the item back to TPC and NCAC.

Attachment: Proposed Sightseeing and Tour Bus Regulations (Draft)

  
KGB/ETC/JRG

**CITY OF MIAMI BEACH  
TOUR PASSENGER CARRIERS REGULATIONS**

**(1) Definitions.**

- (a) *Amphibious tour vehicle.* A motor-propelled vehicle capable of operating on land or water and operated on the streets for the purpose of carrying passengers for guided sight-seeing tours.
  - (b) *Department.* City of Miami Beach Public Works Department.
  - (c) *Guided sight-seeing tour.* An organized trip that operates on a regular basis, that travels in a circuit in Miami Beach and provides information on historic sites and other places of interest in the City.
  - (d) *Sidewalk.* All that area legally open to public use as a pedestrian public between the curb line and the legal house line of the abutting property.
  - (e) *Tour Bus "A".* A motor bus operated on the streets for the purpose of carrying passengers for guided sight-seeing tours and provides for passenger loading/unloading at multiple locations along an approved route, but excluding publicly funded tours, buses and licensed charter bus carrier.
  - (f) *Tour Bus "B".* A motor bus operated on the streets for the purpose of carrying passengers for guided sight-seeing tours and provides for passenger loading/unloading at one stop (passenger origination/destination is at the same stop), but excluding publicly funded tours, buses and licensed charter bus carrier.
  - (g) *Tour passenger loading zone.* All that area, not to exceed 40 feet in length as measured along the curb line, used by a Tour Bus "B" for the loading and unloading of passengers.
  - (h) *Universal tour passenger loading zone.* All that area, not to exceed 40 feet in length as measured along the curb line, used by a tour bus "A and "B" for the loading and unloading of passengers.
  - (i) *Tour Passenger Carrier.* Any person or corporate entity that operates a tour bus or amphibious tour vehicle on the streets of the City.
  - (j) *Fiscal Year.* October 1 to September 30.
  - (k) *Business Tax Receipt (BTR)* is required to conduct business and it is issued by the City of Miami Beach Finance Department/Licensing Division.
- (2) Business Tax Receipt (BTR).** No Tour Passenger Carrier shall operate in the City unless the tour passenger carrier obtains a business tax receipt.

- (a) Every BTR issued under this Section shall be issued as of the first day of October and shall be effective, unless suspended or revoked, until the last day of September of the next calendar year. BTR's may be renewed in accordance with this Section for similar one (1) year periods.
- (b) A BTR shall permit the Tour Passenger Carrier to operate either tour buses or amphibious tour vehicles, but not both, and a tour passenger carrier who wishes to operate both tour buses and amphibious tour vehicles must obtain separate BTR's for each operation.
- (c) A BTR issued under this Section shall permit the **tour passenger carrier** to conduct operations at the **tour passenger loading zones**.
- (d) Every BTR shall be non-assignable and non-transferable.
- (3) **BTR Issuance.** BTR shall be issued by the City's **Finance Department Licensing Division** upon the following:
  - (a) The applicant furnishes the following information:
    - (.1) applicant's name, address and telephone number;
    - (.2) category of tour vehicle (tour bus or amphibious tour vehicle);
    - (.3) number of vehicles to be operated;
    - (.4) every person or entity that will be operating a tour bus or amphibious **tour vehicle** must provide the required vehicle operating license with appropriate **endorsements** as applicable under Florida law and federal law;
    - (.5) applicant's current, valid Florida sales tax identification number, and current, valid Florida business privilege license number;
    - (.6) **motor bus license** for each vehicle;
    - (.7) an **identifying** description of each tour bus or amphibious tour vehicle used by the **permittee**;
    - (.8) each tour bus or amphibious tour vehicle motor vehicle registration number;
    - (.9) the applicant's proposed tour route and operational plan;
    - (.10) schedule of rates to be charged per passenger of each tour bus or amphibious tour vehicle. Rates for pre-sold and combination tour services shall be exempt from such filings.

- (.11) Minimum Insurance Requirements of:
  - a. \$\_\_\_\_\_ General Liability with a General Aggregate of \$\_\_\_\_\_
  - b. \$\_\_\_\_\_ Auto Liability
  - c. \$\_\_\_\_\_ Excess/Umbrella
  - d. \$\_\_\_\_\_ Workers Comp
  
- (.12) Full-time, Miami Dade County-based operating a fleet of at least \_\_\_\_ tour bus/sightseeing vehicles.
  
- (.13) Operating tour bus passenger carrier vehicles with headway minimums of \_\_\_\_\_ minute service frequency during peak season (October to May) and \_\_\_\_\_ minute service frequency during off peak season (June to September).
  
- (.14) All licenses and/or Certificate of Use declarations issued by a Miami-Dade County or a municipality within Miami-Dade County documenting business use; maintenance and storage of vehicles (e.g. waste disposal permit, maintenance repair certificate, etc.)
  
- (.15) Evidence of active and good standing with the State of Florida regulatory and operating authorities.
  
- (.16) Guaranteed minimum monthly average of \_\_\_\_\_ trips per month.
  
- (.17) Tour bus passenger carrier vehicle license holders shall, as a condition of permitting and renewal, submit to the Department, annually and in the form of inspection sheets, proof that the licensed vehicle has passed inspection performed under the auspices of the State of Florida or the United States Department of Transportation. Such inspections shall be conducted no more than ninety (90) days prior to the application for permitting or renewal of permitting.
  
- (.18) The Department, in its discretion, may order a licensed tour bus or sightseeing vehicle to be inspected at other times during the permit year to investigate complaints or otherwise insure compliance with the City Code or these rules and regulations.
  
- (.19) No bus equipped with an upper level shall allow:
  - a. any passenger 10 years old or younger in the upper level, unless accompanied by an adult; or
  - b. any passenger to stand in the upper level when the bus is moving.

- (.20) No person shall disseminate information or solicit passengers for tour bus passenger carriers upon any public right of way except at designated bus stands for those tour bus or sightseeing vehicles and in no case may the permittee solicit and/or conduct sales on the public right of way.
- (b) The applicant pays a non-refundable application fee of \_\_\_\_\_ dollars (\$\_\_\_\_), or such other amount as the Department may establish by regulation.
- (c) Approval by the Department of the applicant's proposed tour route and operational plan. The Department shall approve the applicant's proposed tour route and operational plan if the Department finds, in its sole and absolute discretion that the route is safe and does not unreasonably hinder traffic flow and the operational plan is efficient and effective. If the Department disapproves the applicant's proposed tour route, the Department shall notify the applicant in writing of the reasons for disapproval and request the applicant to submit a different tour route for approval and/or adjustments to the operational plan. The Department may also, in such written notification, suggest operational improvements and/or alternate routes that would be approved.
- (d) The applicant may obtain approval from the Department if it can demonstrate the ability to load or unload passengers without using the public right-of-way for periods in excess of five (5) minutes;
- (e) The applicant, after being notified by the Department that his/her application has been approved:
- (1) agrees to the approved route; operational plan; and tour passenger loading zones; and
  - (2) pays an initial permit fee of \_\_\_\_\_ (\$ \_\_\_\_\_), or such other amount as the Department may establish by regulation.
- (4) ***BTR Renewal; Change of BTR Information.***
- (a) The Finance Department/Licensing Division shall send to each person or entity authorized under this Section a renewal notice before the end of each fiscal year, to submit valid proof of insurance. The tour passenger carrier must return the renewal application to the Finance Department, together with payment of the annual renewal fee. If the tour passenger carrier proposes a new tour route, the Department must approve the new route prior to BTR renewal. The Finance Department/Licensing Division shall then validate the renewal BTR application and return it, together with a new BTR, to the Tour Passenger Carrier.
- (b) Tour Passenger Carrier must notify the Department in writing of any change in information during the permit year within thirty (30) days of such change.

- (5) **Alteration of Routes.** No Tour Passenger Carrier shall utilize a route other than that route approved without written permission from the Department unless the approved route is impassable, in which case deviations from the approved route may occur for no longer than a 12 hour period. If deviation from the approved route is necessary for more than one calendar day, the Tour Passenger Carrier must notify the Department in writing within 24 hours of the beginning of such deviation of a proposed alternate route. The Department shall notify the Tour Passenger Carrier within 72 hours if the application for alteration of routes is approved.
- (6) **Rates.** The rates charged by a Tour Passenger Carrier shall not exceed the rates filed with the permit application for such tour bus or amphibious tour vehicle, or as subsequently amended, and shall detail the charges for a guided sight-seeing tour on each day that the tour passenger carrier operates. Where rates differentiate for weekend, weekday and holiday tours, such different rates shall be shown.
- (7) **Prohibition on Loading and Unloading Passengers.** No tour bus or amphibious Tour Carrier shall load or unload from the public right-of-way at any location other than a universal tour passenger loading zone, a designated bus stand, or at a tour passenger loading zone for which the carrier obtains a permit from the Department.
- (8) **Tour Passenger Loading Zone Locations.**

- a) The Department may approve universal tour passenger loading zones only in the following areas and only where the Department finds, in its sole and absolute discretion, that the location is safe and does not unreasonably hinder traffic flow:

**Universal Tour Passenger Loading Zones (Tour Bus "A" and "B")**

- (.1) The east and west sides of Washington Avenue between 5<sup>th</sup> Street and 17<sup>th</sup> Street at existing public bus stops. No more than \_\_\_\_\_ tour passenger carriers may be approved.
- (.2) The east and west sides of Collins Avenue between 5<sup>th</sup> Street and Espanola Way. No more than two tour passenger carriers/loading zones may be approved.
- (.3) The north side of Lincoln Road between Washington Avenue and Collins Avenue. No more than one tour passenger carrier/loading zone may be approved.

**Tour Passenger Loading Zone (Tour Bus "A" ONLY)**

- (.4) 1000 block of Ocean Drive (east side).

- (.5) 100 block of 15<sup>th</sup> Street (north side).
- (b) The Department shall not approve any loading zone at any of the following locations:
  - (.1) at any location that would reduce the unobstructed pedestrian right-of-way to less than five feet, such width not to include the width of any grate;
  - (.2) on medians of divided highways;
  - (.3) on any portion of a sidewalk directly in front of any building entrance, loading dock or loading ramp;
  - (.4) within twenty feet upstream (in the direction from which vehicular traffic in the nearest curbside lane approaches) of any bus stop zone;
  - (.5) within fifteen feet of a fire hydrant;
  - (.6) within twenty feet upstream of any crosswalk;
  - (.7) within fifteen feet of any alley or driveway; or
  - (.8) a location designated by the Department to be a tour passenger loading zone.
  - (.9) within twenty feet of any handicap parking spaces and/or access aisle/sidewalk ramp.
- (c) The Department shall maintain and make available for public inspection during regular business hours a complete list of all permitted tour passenger loading zones as designated herein.
- (9) **Permit Issuance.** Tour passenger loading zone permits shall be issued upon compliance with the following:
  - (a) The applicant pays a non-refundable application fee of \_\_\_\_\_ (\$\_\_\_\_\_) dollars, or such other amount as the Department may establish by regulation; and
  - (b) The applicant, after being notified by the Department that his application has been approved:
    - (.1) pays for the annual permit fee of (\$\_\_\_\_\_) dollars (\$\_\_\_\_) for the approved tour passenger loading zones by the Department; and

- (.2) pays the annual permit fee per tour bus or amphibious vehicle of \$\_\_\_\_\_ (\$\_\_\_\_\_) dollars, or such other amount as the may establish by regulation.
- (.3) category and number of tour bus or amphibious tour vehicles;
- (.4) for every person or entity that will be operating a tour bus or amphibious vehicle, the required vehicle operating permit with appropriate endorsements as applicable under Florida law and federal law;
- (.5) applicant's current, valid Florida sales tax identification number, and current, valid Florida business privilege license number;
- (.6) motor bus license for each vehicle;
- (.7) an identifying description of each tour bus or amphibious tour vehicle used by the permittee;
- (.8) each tour bus or amphibious tour vehicle motor vehicle registration number;
- (.9) the applicant's proposed tour route; and operational plan.
- (.10) schedule of rates to be charged per tour bus or amphibious tour vehicle. Rates for pre-sold and combination tour services shall be exempt from such filings.

**(10) *Assignment, Renewal and Use of Tour Passenger Loading Zones.***

- (a) Permits for particular tour passenger loading zones shall be granted as follows:
  - (.1) Applicants who have continuously conducted tour operations on a block face for at least two (2) years from before the date this Section became law shall receive first preference for a loading zone permit on such block face. Applicants shall be ranked according to the number of years, months, and days (months and days, if necessary) they have continuously conducted permitted tour operations on such block face. This determination shall be made in the sole and absolute discretion of the Department.
  - (.2) If the maximum number of tour passenger loading zones in a particular area is not filled by the procedure set forth herein, then any additional applicants for a permit shall be ranked according to the amount of time they have continuously conducted tour operations in the City.

- (.3) Any tour passenger loading zone that is not filled by the procedures set forth herein shall be deemed as vacant. Vacant tour passenger loading zones shall be assigned to qualified applicants in the order received.
  - (.4) For any additional tour passenger loading zones created subsequent to enactment of this legislation, permits may be issued to the first applicant submitting a complete application.
  - (.5) In order to apply for a permit, receipt of which would otherwise create a violation of another provision of this subsection, an operator may agree to relinquish the then currently permitted location upon receipt of a permit for a new location.
- (b) Every permit issued under this Section shall be effective, unless suspended or revoked, from the first day of October until the last day of September of the next fiscal year, and shall be renewed on an annual basis for one year periods beginning October 1. Permits that are renewed shall permit the tour passenger carrier to continue to load from the same tour passenger loading zone as designated in the permit being renewed.
  - (c) Issuance of a permit for a particular location is not a guarantee that such location will remain a permitted tour passenger loading zone location for the duration of the permit or any renewal periods. The City Manager or his designee may remove a location from the list of designated locations. If the City Manager or his designee removes a location from the list of designated locations, the tour passenger carrier permitted to use such location must apply to the Department for a new location in accordance to Department regulations. If no tour passenger loading zone is available, the Department shall refund the Tour Passenger Carrier's permit fee.
  - (d) Copies of permits issued under this Section must be carried on the tour bus or amphibious tour vehicle at all times and available for inspection by the appropriate city official.
- (11) Loading Zone Permit Renewal; Change of Permit Information.**
- (a) The Department shall send to each person or entity permitted under this Section, at a time reasonably in advance of the end of each permit year, a loading zone renewal permit. If the permittee returns the loading zone renewal permit to the Department, together with payment of the annual renewal fee and a statement of the changes, if any, in the permit information, the Department shall then validate the renewal loading zone permit and return it, together with a new permit, to the permittee, who shall thereby be permitted for the succeeding permit year.
  - (b) Tour Passenger Carrier must notify the Department in writing of any change in information during the permit year within thirty (30) days of such change.

**(12) *Universal Tour Passenger Loading Zones.*** The Department may designate universal tour passenger loading zones by regulation. A tour bus may load or unload passengers at such locations.

(a) No vehicle without a Tour Passenger Carrier permit may utilize a tour passenger loading zone.

(b) No tour bus or amphibious tour vehicle may stand in a tour passenger loading zone for:

(.1) longer than five (5) minutes; or

(.2) must depart upon arrival of a tour bus or amphibious tour vehicle.

**(13) *Tour Passenger Carrier Safety Reports.***

(a) Prior to October 1 of each year, each Tour Passenger Carrier must submit a written safety report to the Department that includes:

(.1) The number and nature of all traffic violations, if any, received by the Tour Passenger Carrier or any agent or employee acting on behalf of the Tour Passenger Carrier during the previous calendar year;

(.2) All vehicular accident reports, including maritime reports, if any, that involved a Tour Bus or Amphibious Tour Vehicle operated by the Tour Passenger Carrier;

(.3) The number and nature of any injury received by a customer of the Tour Passenger Carrier during the previous calendar year;

(.4) All other violations issued to the Tour Passenger Carrier or any agent or employee acting on behalf of the Tour Passenger Carrier under the City of Miami Beach, Miami-Dade County, State of Florida, or Federal statutes;

(.5) The total number of vehicles operated by the Tour Passenger Carrier during the previous calendar year; and

(.6) The total number of passengers carried by the Tour Passenger Carrier during the previous calendar year.

(.7) The total number of sight-seeing tours conducted by the Tour Passenger Carrier during the previous fiscal year.

(b) Prior to the first day of October of each fiscal year, the Department will release a Tour Passenger Carrier Safety Report to the public that includes, at minimum the information compiled in Section 13(a).

(14) **Trash Removal and Clean Up.** Tour Passenger Carriers are responsible for maintaining the sidewalk within fifteen feet of their tour passenger loading zone clean of all trash generated by their tour operations.

(15) **Other Prohibited Conduct.** No Tour Passenger Carrier or its agent or employee shall:

- (a) Conduct himself or his business in such a way as would restrict or interfere with the ingress or egress of the property of the abutting property owner or tenant, or in such a way as would create or become a nuisance or hazard to public health, safety or welfare, or increase traffic congestion or delay, or constitute an obstruction to adequate access to fire, police, or sanitation vehicles;
- (b) Leave any vehicle unattended at any time;
- (c) Violate any provisions of The Miami Beach Code;
- (d) Solicit ticket sales on public right of way from the public, including but not limited to repeated or insistent solicitations, retaliatory comments, blockage of free passage of a pedestrian, touching or yelling at a pedestrian, confrontation or intimidation;
- (e) Solicit on public right of way for any related service or product provided by the specified tour passenger carrier.
- (f) Solicit sales or sale of tickets or any other service or product from the sidewalk, unless specifically authorized by this Section or ordinance.

(16) **Penalties, License Suspension, Revocation, and Loss of Permitted Tour Passenger Loading Zone Location.**

- (a) The penalty for violation of any provision of this Section is, in addition to any other sanctions provided, a fine not less than five hundred (\$700) dollars and not to exceed the Maximum Fine Amount, as defined herein, for each offense. For purposes of this subsection, the "Maximum Fine Amount" shall be:
  - (.1) Seven hundred dollars (\$700) for adjudicated violations committed during fiscal year 2014;
  - (.2) Eleven hundred dollars (\$1,100) for adjudicated violations committed during fiscal year 2015;
  - (.3) Fifteen hundred dollars (\$1,500) for adjudicated violations committed during fiscal year 2016;
  - (.4) Nineteen hundred dollars (\$1,900) for adjudicated violations committed during fiscal year 2017; and

- (5) Two thousand dollars (\$2,000) for adjudicated violations committed thereafter.
  - (6) Each day of violation shall be deemed a separate offense. Violations may also result in a license or permit suspension of up to sixty (60) days, or license revocation. Licenses or permits may also be revoked if any fine is not paid within ten (10) days of imposition by a final order from which all appeals have been exhausted. An order of the Department revoking a permit shall also specify when the Tour Passenger Carrier or permittee may reapply for a permit, which shall be not less than ninety (90) days nor more than one (1) year from the date of revocation. Persons reapplying for permits after having their permits revoked shall apply pursuant to Department regulations as if they were new applicants not previously permitted.
- (b) In addition to the penalties provided in this subsection, the City is hereby authorized to remove any tour bus or amphibious tour vehicle that is in violation and refuses to comply immediately with this Section upon written notice of violation. The Tour Passenger Carrier shall be immediately notified of the place where his property can be reclaimed and shall be entitled to claim his property immediately upon payment of the costs of removal.
  - (c) Any license or permit issued under this Section may also be revoked for any of the following reasons:
    - (.1) Fraud, misrepresentation or knowingly making a false statement contained in the application for the BTR or permit(s) contained herein;
    - (.2) Fraud, misrepresentation or knowingly making a false statement in the course of carrying on permitted operations; or
    - (.3) Fraud, misrepresentation or knowingly making a false statement contained in the written safety report.
  - (d) The Police Department and Code Enforcement Division shall have the power to effect compliance with this Chapter and any Regulations adopted hereunder.

Neighborhood/Community Affairs Committee Meeting  
February 28, 2014

**DISCUSSION REGARDING AN APPROVAL TO AWARD A CONTRACT, PURSUANT TO INVITATION TO BID (ITB) NO. 2013-171TC FOR THE PLAYGROUND FENCE AT SOUTH POINTE PARK. PENDING LEGISLATION.**

*Commission Item C2F  
(Requested by Parks & Recreation)*

To be presented by John Rebar, Parks and Recreations Director

**ITEM #7**



# MIAMI BEACH

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

## COMMITTEE MEMORANDUM

TO: Neighborhoods/Community Affairs Committee Members

FROM: Jimmy L. Morales, City Manager *JLM*

DATE: February 13, 2014

SUBJECT: **Discussion Regarding An Approval To Award A Contract, Pursuant To Invitation To Bid (ITB) No. 2013-171TC For The Playground Fence At South Pointe Park. Pending Legislation.**

### **BACKGROUND**

At the January 15, 2014 City Commission Meeting a Request For Approval To Award A Contract, Pursuant To Invitation To Bid (ITB) No. 2013-171TC For The Playground Fence At South Pointe Park in the amount of \$98,995 was heard. The item was separated for discussion by Commissioner Grieco. Item referred to the Neighborhood/Community Affairs Committee (NCAC) and includes pending state legislation in discussions.

Commissioner Grieco stated that this item is awarding a contract regarding playground fence in South Pointe Park, and for those that do not know, his family and many other children visit the park daily. The park is expensive, and this was part of an issue that he took up during his campaign. He does not recall any notice to the public about a fence.

Vice-Mayor Weithorn stated that it is a good idea referring the item to NCAC, but informed the Commission that there is pending legislation in Tallahassee regarding playgrounds and smoking in the park. She suggested that the committee look into this legislation during discussions. She agrees with Commissioner Grieco; however, she wants the parents to know that there is pending legislation that needs to be looked at.

### **ATTACHMENTS FOR REVIEW**

The attached memos provide historical information regarding the proposed fence from concept to recommended award.

- January 15, 2014 Agenda Item Memo
- April 19, 2012 Finance and Citywide Projects Committee Memo

JM/MT/JR



# MIAMI BEACH

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

## COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: January 15, 2014

SUBJECT: **REQUEST FOR APPROVAL TO AWARD A CONTRACT, PURSUANT TO INVITATION TO BID NO. 171-2013TC, FOR THE PLAYGROUND FENCE AT SOUTH POINTE PARK.**

### ADMINISTRATION RECOMMENDATION

Approve the award of contract.

### KEY INTENDED OUTCOME SUPPORTED

Ensure well maintained facilities and ensure quality and timely delivery of capital projects.

### FUNDING

\$90,995	389-2754-069357 (Construction)
\$8,000	389-2754-000356 (Contingencies)
<b>\$98,995</b>	<b>Total</b>

### BACKGROUND

The playground, which is located in the northeastern quadrant of the park, is bordered to the east by the community building/concession facility, the elevated sidewalk to the north and west, and a busy pathway to the south. Due to its proximity and use of this sidewalk by bicyclists, Segway riders, rollerblade skaters, joggers, pedestrians walking dogs, etc., residents have expressed safety concerns.

At the time the South Pointe Park design was being developed, a fence around the playground area was never requested or discussed by the City, the designers, the community, or the Design Review Board. The South Pointe Park Basis of Design Report (BODR) makes no mention of fencing requirements as well. The BODR does include the minutes of two community design workshops where the only community comments associated with the playground regarded the provision of shade and the cost of the playground.

The playground, as presented in the South Pointe BODR, did not include a fence; however, the seating and tables were built into the design for the playground area to provide for a safe and clearly defined environment for the children with integrated areas for parents to closely supervise their play.

Based on a preliminary discussion with the Planning Department about the concept of the placement of a fence, they have confirmed that Design Review Board approval would be required. Further, any proposed fence design would be expected to be reflective of and compliment the other similar design elements (such as the handrails) in the park, including the use of similar materials, which is stainless steel.

During the 2010 community meetings, several parents requested that a fence be installed as part of the new playground. However, no funding had been identified at that time for a fence, and in an effort to replace the existing playground equipment as expeditiously as possible; the project proceeded without a fence. Following the December 16, 2010, community meeting, the City received a letter from the South of Fifth Residents indicating their support for the installation of a fence around the playground.

On November 2011, South Pointe Park had a new playground, shade system, and safety surface installed.

This playground replaced the original playground installed during the construction of South Pointe Park due to problems with quality and safety. The City remains in litigation on that matter. The replacement cost for the playground equipment, safety surface and shade system was \$275,000.

On December 3, 2013, the Design Review Board (DRB) approved the design for the installation of the new fence.

### **SCOPE OF SERVICES**

The work consists of supplying and installing a 364 LF, 4-foot high aluminum fence with 3" diameter IPE hardwood top rail and E.N. plated aluminum 2" mesh panels in a 2"x 5/8" aluminum frame with two (2) ADA compliant 5'foot wide entry gates. Fencing must comply with current ASTM Standard #F2049-11 for playground fencing and must match the fence at the South Pointe Park Pier, however, height and mesh spacing may be changed in order to meet the safety standards.

### **ITB PROCESS**

Invitation to Bid (ITB) 171-2013TC was issued on May 22, 2013, with an opening date of June 13, 2013. The pre-bid conference was held on May 30, 2013. During the pre-bid conference, prospective bidders were instructed on the procurement process and the information their respective proposals should contain.

The Public Group and Bidnet issued bid notices to 31 and 53 prospective bidders respectively of which 9 and 6 accessed the advertised solicitation respectively. In addition, 71 vendors were notified via email, which resulted in the receipt of the following three (3) bids:

- Guaranteed Fence Corp. \$89,995
- Mena Construction, Inc. \$159,499.96
- Tequesta Construction Services Group, Inc. \$159,667.00

Following the review of each bid received, Guaranteed Fence Corp. was deemed the lowest responsive, responsible bidder. Mena Construction, Inc. and Tequesta Construction Services Group, Inc., the second and third highest bidders were deemed nonresponsive for failing to submit omitted information that was requested by the Procurement Division within the stated deadlines.

Founded in 2003, Guaranteed Fence Corp. is a licensed general contractor specializing in the production and installation of fencing products that also possess extensive knowledge and field experience throughout South Florida. Notable clients include the Miami-Dade Expressway Authority, Florida Department of Transportation, and the Cities of Hialeah, Miami Beach, and Pembroke Pines.

### **CITY MANAGER'S DUE DILIGENCE**

After considering the review and recommendation of City staff, the City Manager exercised his due diligence and carefully considered the specifics of this ITB process. As a result, the City Manager recommends to the Mayor and City Commission to award the construction contract to Guaranteed Fence Corp. as the lowest responsive, responsible bidder and authorize the Administration to engage in value engineering to further reduce the cost and time for completion of said project.

### **CONCLUSION**

The Administration recommends the award of the contract to Guaranteed Fence Corp., the lowest responsive, responsible bidder pursuant to Invitation to Bid (ITB) 171-2013TC, for the playground fence at South Pointe Park, in the amount of \$89,995; plus approve a project contingency of 10% for a not-to-exceed grand total of \$98,995; **further authorizing the Administration to engage in value engineering to further reduce the cost and time for completion of said project.**

JLM/MT/KGB/JR/AD



## COMMITTEE MEMORANDUM

TO: Finance and Citywide Projects Committee Members

FROM: Jorge M. Gonzalez, City Manager

DATE: April 19, 2012

SUBJECT **Discussion regarding assigning funds for placement of a fence around South Pointe Park Tot Lot area**

This matter was referred by Commissioner Exposito and the Mayor and Members of the City Commission to the Finance and Citywide Projects Committee at the March 21, 2012 Commission meeting.

### **BACKGROUND**

In November of 2011, South Pointe Park had a new playground, shade system and safety surface installed. This playground replaced the original playground installed during the construction of South Pointe Park; that playground was removed due to problems with quality and safety. As you are aware, the City remains in litigation on that matter. The cost for the replacement playground equipment, safety surface and Shade System was \$275,000. The funds were included in a city capital budget project approved by the City Commission during the annual budget process.

At the time the South Pointe Park design was being developed, a fence around the children's playground area was never requested or discussed by the City, the designers, the community or the Design Review Board. The South Pointe Park Basis Of Design Report (BODR) makes no mention of fencing requirements. The common theme of the South Pointe Park reconstruction focused on the openness of the park. The BODR included the minutes of two community design workshops. The only community comments associated with the playground address provision of shade and the cost of the playground.

The playground as presented in the South Pointe BODR did not include a fence around it however the seating and tables for parents were completely built into the design for the Playground Area to provide for a safe and clearly defined environment for the children, with integrated areas for parents to closely supervise their play.

During the 2010 community meetings that were held with residents to discuss the proposed playground replacement options, several parents requested that a fence be installed when the new playground was constructed. No funding had been identified at that time for a fence, and in an effort to replace the playground equipment as expeditiously as possible (since the inclusion of a fence would require, at a minimum Design Review Board approval, which would have created a delay), and the fact that a fenced-in tot lot is currently located at Marjory Stoneman Douglas Park on Ocean Drive and 3<sup>rd</sup> street, the project proceeded without a fence. Following the December 16, 2010 community meeting, the City received a letter from south of fifth residents indicating their support for the placement of a fence around the playground; sixty (60) signatures were attached.

The playground, which is located in the north-eastern quadrant of the park, is bordered to the east by the

community building/concession facility, the elevated sidewalk to the north and west, and a busy pathway to the south. Because of its proximity and use of this sidewalk by bicyclists, Segway riders, rollerblade skaters, joggers, pedestrians walking dogs etc., parents have expressed safety concerns. As you are aware, the City is proposing legislation to prohibit Segways from using internal pathways of South Pointe Park, including this adjacent pathway.

Based on a preliminary discussion with the Planning Department about the concept of the placement of a fence, they have confirmed that Design Review Board approval would be required. Further, any proposed fence design would be expected to be reflective of and compliment the other similar design elements (such as the handrails) in the park, including the use of similar materials, which is stainless steel. A very preliminary estimate of the cost of the fencing to meet these design standards is between \$185,000 to \$200,000.

Under the City's current process for developing the annual capital budget, proposals for new capital projects as well as proposals for modifications to existing projects go through a comprehensive review which allows all projects to be prioritized as a whole prior to appropriation action by the Commission. Under the process, proposed new projects and proposed existing project changes are first reviewed by an internal staff committee, then reviewed by the Finance and Citywide Projects Committee (FCWPC), and then reviewed by the City Commission as a whole at time of adoption of the City's capital budget. The review by FCWPC typically occurs in early summer, and is consistent with the process for Commission input regarding operating budget priorities. This process allows early input by the Commission regarding priorities for funding, subject to availability. The proposed capital budget is available for review prior to the 2<sup>nd</sup> budget hearing in September each year, and is subsequently adopted by the Commission. It is my recommendation that all proposals impacting capital projects, including this one, should go through this process rather than referring to FCWPC individually. The process would be similar to the current, except that, rather than a referral to Finance and Citywide Projects on the City Commission agenda, there would be a referral to the Annual Capital Budget Process.

JMG/HMF/KS

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Neighborhood/Community Affairs Committee Meeting  
February 28, 2014

**DISCUSSION REGARDING A REQUEST FROM THE NORTH BAY VILLAGE MAYOR TO  
DISCUSS NORTH BAY VILLAGE RESIDENTS' USE OF THE NORMANDY ISLE.**

*Commission Item C4B  
(Requested by Parks & Recreation)*

To be presented by John Rebar, Parks and Recreations Director

**ITEM #8**



# MIAMI BEACH

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

## COMMITTEE MEMORANDUM

TO: Neighborhoods/Community Affairs Committee Members

FROM: Jimmy L. Morales, City Manager *JLM*

DATE: February 13, 2014

SUBJECT **Referral To The Neighborhood/Community Affairs Committee A Request from The North Bay Village Mayor To Discuss North Bay Village Residents' Use Of The Normandy Isle Facility**

### **BACKGROUND**

Item referred to NCAC at January 15, 2014 City Commission Meeting, Item C4B.

See attached letter from Mayor Connie Leon-Kreps of North Bay Village to Mark Taxis, Assistant City Manager.

JLM/JMT/JR



**North Bay Village**

Administrative Offices

1666 Kennedy Causeway, Suite 300 North Bay Village, FL 33141

Tel: (305) 756-7171 Fax: (305) 756-7722 Website: [www.nbvillage.com](http://www.nbvillage.com)

October 15, 2013

**SENT VIA EMAIL AND REGULAR MAIL**

Mr. Mark Taxis  
Assistant City Manager  
City of Miami Beach  
1700 Convention Center Drive  
Miami Beach, FL 33139

**RE: North Bay Village Residents Use of Normandy Facility**

Dear Mr. Taxis:

It was a pleasure meeting you at the Miami Beach Town Hall Meeting last week. As discussed, the Village's residents would greatly benefit from the use of Miami Beach's Normandy facility, specifically the pool. Therefore, our Village administration would like to, at your convenience, discuss mutually convenient arrangements in order to facilitate our residents' use of the Normandy facility.

We are very excited about this prospect and thank you in advance for your time and consideration. Please contact me or the Deputy Village Manager to set-up a meeting to further discuss this opportunity.

Sincerely,

Connie Leon-Kreps  
Mayor of North Bay Village

cc: The Honorable Mayor Matti Herrera Bower  
Deede Weithorn, Commissioner  
Jimmy Morales, City Manager  
Frank Rollason, Village Manager  
Jenice Rosado, Deputy Village Manager

Mayor  
Connie Leon-Kreps

Vice Mayor  
Eddie Llin

Commissioner  
Dr. Richard Chervony

Commissioner  
Wendy Duvall

Commissioner  
Jorge Gonzalez

Neighborhood/Community Affairs Committee Meeting  
February 28, 2014

**DISCUSSION REGARDING HOW WE CAN MAKE NAUTILUS MIDDLE SCHOOL THE BEST IN THE COUNTRY AND/OR THE CREATION OF A MIAMI BEACH MIDDLE SCHOOL.**

*Commission Item C4G  
(Requested by Commission Tobin)*

To be presented by Leslie Rosenfeld, Organizational Development and Training Specialist

**ITEM #9**

# Organization Development Performance Initiatives

<b>DATE:</b>	February 14, 2014
<b>TO:</b>	Jimmy Morales
<b>FROM::</b>	Leslie Rosenfeld
<b>SUBJECT:</b>	Neighborhoods discussion regarding how we can make Nautilus Middle School the best in the country and/or the creation of a Miami Beach middle school

## Routing

Kathie Brooks	

## For: (check the one that applies)

<input type="checkbox"/>	Information Only
<input checked="" type="checkbox"/>	Review and approval
<input checked="" type="checkbox"/>	City Manager's Signature
<input type="checkbox"/>	Other Signature _____
<input type="checkbox"/>	Other

## Comments:

Neighborhoods discussion regarding how we can make Nautilus Middle School the best in the country and/or the creation of a Miami Beach middle school

**Return to:**

Leslie Rosenfeld x6923

**Date Needed:**

February 14, 2014



# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, [www.miamibeachfl.gov](http://www.miamibeachfl.gov)

## NEIGHBORHOODS AND COMMUNITY AFFAIRS COMMITTEE MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: February 28, 2014

SUBJECT: Discussion Regarding How We Can Make Nautilus Middle School The Best In The Country And/Or The Creation Of A Miami Beach Middle School

### **BACKGROUND/ANALYSIS**

On January 15, 2014, Commissioner Tobin requested the motion made by the Committee for Quality Education regarding how best to provide youth in the City of Miami Beach with the best public middle school options be referred to the Neighborhoods and Community Affairs Committee (Item C4G) to discuss consideration of the request to strengthen Education Compact activities as they relate to enhanced learning opportunities for our youth. The Committee for Quality Education made the following motion at the January 28, 2014, meeting regarding middle school options in the City of Miami Beach:

*The Committee for Quality Education requests the Mayor and Commission engage an Educational Expert to consult regarding how best to provide the students in the City of Miami Beach feeder pattern with the best public middle school options in the country.*

On January 8, 2008, the City of Miami Beach entered into an Education Compact (the "Compact") with Miami-Dade County Public Schools (M-DCPS). Since the Compact implementation, the City of Miami Beach has collaborated with M-DCPS to Enhance Learning Opportunities for Youth in all Miami Beach public schools. Community survey results in 2012 reflect 91 percent of residents with children in public schools are very satisfied or satisfied compared to 53 percent and 51 percent very satisfied or satisfied in 2005 and 2007 respectively. Data for those residents with children in middle school reflects 18 percent very satisfied and 73 percent satisfied with the public school. Additionally, MDCPS school climate survey data for 2012-13 school year reflects 56 percent satisfied with the choice of educational program offered at Nautilus Middle School, and 59 percent rating the overall atmosphere at the school as positive.

Community members continue to voice concerns about Nautilus Middle School. Per the Compact, the City may conduct parent satisfaction surveys with the assistance of M-DCPS, including findings on key drivers for satisfaction.

Enrollment data for Nautilus Middle School reflects a 14.3 percent decline since 2010. The current Florida Comprehensive Assessment Test (FCAT) grade reflects a C, with a decline in the percent of students making learning gains of -7.8 percent in reading and -19.4 percent

in math when compared to the prior school year. In addition, the percent of students transferring to a middle school other than Nautilus Middle has increased by 23.7 percent since 2010.

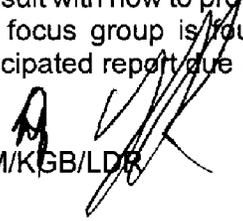
At the February 12, 2014 (Item R9F) Commission Meeting, staff was directed to engage Kerr and Downs Research (KDR) to conduct focus groups to better understand perceptions of Nautilus Middle School with the following residents:

1. Parents who currently have children enrolled at Nautilus Middle School
2. Parents who decided not to enroll their children in Nautilus Middle School and those with children in the fifth grade at Miami Beach public elementary schools opting not to enroll their children at Nautilus Middle School
3. Parents of children in the 6-8 grades currently enrolled in private, charter, and magnet schools, who opted not to enroll their children at Nautilus Middle School

Since there are three (3) separate research targets it will be necessary to conduct at least three (3) focus groups, one with each research target. A focus group for non-English speaking residents may be utilized as well. KDR recommends not combining these research targets into one focus group. The anticipated timeframe is four weeks from development of focus group script to preparation of final report with Miami-Dade County Public Schools assisting in the distribution of a City letter to elementary and middle school parents to identify potential participants for the focus groups. Letters will be sent through our parks facilities to identify parents of children in private, charter, and magnet schools. Anticipated cost for the focus groups using a City of Miami Beach meeting room facility is \$19,000.

Additionally, the City is pursuing a partnership with Florida International University (FIU) and Miami-Dade County Public Schools (MDCPS), to provide management consultant services at Nautilus Middle School similar to other MDCPS schools. A proposal from FIU is pending, as well as discussions with MDCPS.

Administration recommends consideration of the utilization of focus groups to gain a comprehensive understanding of the issues surrounding Nautilus Middle School per the recommendation of the survey consultant. The City will identify an educational expert to consult with how to provide the best options for middle school to our youth. The timeline for the focus group is four weeks from professional service agreement approval, with an anticipated report due no later than early April 2014.

  
JLM/KGB/LDR

F:\OBPI\SORG DEV & PERF IMP\Organizational Development\Organizational Development\Committee Quality Education\Compact\Neighborhoods Committee

Neighborhood/Community Affairs Committee Meeting  
February 28, 2014

**DISCUSSION REGARDING BEACHFRONT CONCESSION BUFFER ZONES.**

*Commission Item C4F  
(Requested by City Manager's Office)*

To be presented by Max Sklar, Tourism, Culture, and Economic Development Director

**ITEM #10**

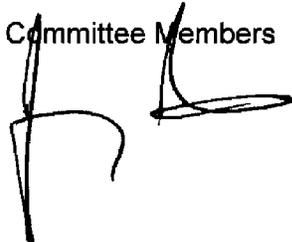


# MIAMIBEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, [www.miamibeachfl.gov](http://www.miamibeachfl.gov)

## COMMITTEE MEMORANDUM

TO: Neighborhoods/Community Affairs Committee Members

FROM: Jimmy L. Morales, City Manager 

DATE: February 28, 2014

SUBJECT: **A DISCUSSION REGARDING BEACHFRONT CONCESSION BUFFER ZONES**

### BACKGROUND

Subject to receipt of the appropriate application, documentation and fees (if applicable), the City of Miami Beach (the "City") issues a beachfront concession letter agreement (the "Letter Agreement") to the upland owner of a beachfront property. The Letter Agreement authorizes the upland owner to operate a beachfront concession (the "Beachfront Concession") on the section of beach east of the upland property.

The upland owner is typically a hotel or condominium. The Beachfront Concession may be operated directly by the upland owner and/or by a third party contractor hired by the upland owner (collectively, the "Concessionaire"). There are up to three uses which are authorized in conjunction with a Beachfront Concession. These uses are 1) beach equipment (chairs, umbrellas, etc.), 2) food and non-alcoholic beverages, and 3) water sports (jet skis, etc.).

Historically, upon issuing the Letter Agreement, the City has attached a Beachfront Concession layout (the "Site Plan"), attached hereto as "Attachment 1". The Site Plan specifies the dimensions and boundaries of the beachfront property and illustrates the concession area and buffer zones. Typically, the middle sixty percent (60%) of the beachfront property is the workable area (the "Concession Area") and a twenty percent (20%) area to the north of the Concession Area, and a twenty percent (20%) area to the south of the Concession Area, act as a buffer between the adjacent properties/concession areas (the "Buffer Zones").

### ANALYSIS

The City established policies and procedures concerning the management and operation of beachfront concessions, which were amended on January 30, 2002 and March 17, 2003 (the "Consolidated Second Amended and Restated Rules and Regulations for Beachfront Concession Operations" hereafter referred to as the "Rules and Regulations").

The Site Plan was not formally included in the Rules and Regulations and there is no reference to buffer zones in the Rules and Regulations. The specific requirements regulating the use of the Buffer Zones are unclear and make enforcement difficult. The City is currently in the process of a comprehensive review and revision of the Rules and Regulations, including the specific requirements regulating the use of the Buffer Zones.

## **CONCLUSION AND RECOMMENDATION**

The Administration recommends, until such time as the revisions to the Rules and Regulations are finalized, or unless directed otherwise by the Neighborhood/Community Affairs Committee, allowing the Concessionaires to operate in a manner consistent with current practices.

As such, Concessionaires will be allowed to place storage boxes and stacked chairs in the Buffer Zones. The stacked chairs must be in a direct line (east/west) with the storage boxes so as to minimize obstruction of view corridors. Beach equipment (chairs, umbrellas, etc.) will not be allowed to be placed in the Buffer Zones upon initial deployment in the morning. Concessionaires will be permitted to deploy beach equipment in the Buffer Zones throughout the day if the amount of equipment needed to meet demand does not fit within the Concession Area, or if a customer requests that the equipment be moved/placed in the Buffer Zone.

The Administration seeks direction from the Neighborhood/Community Affairs Committee regarding this matter.

  
JLM/KAB/MAS/MMM

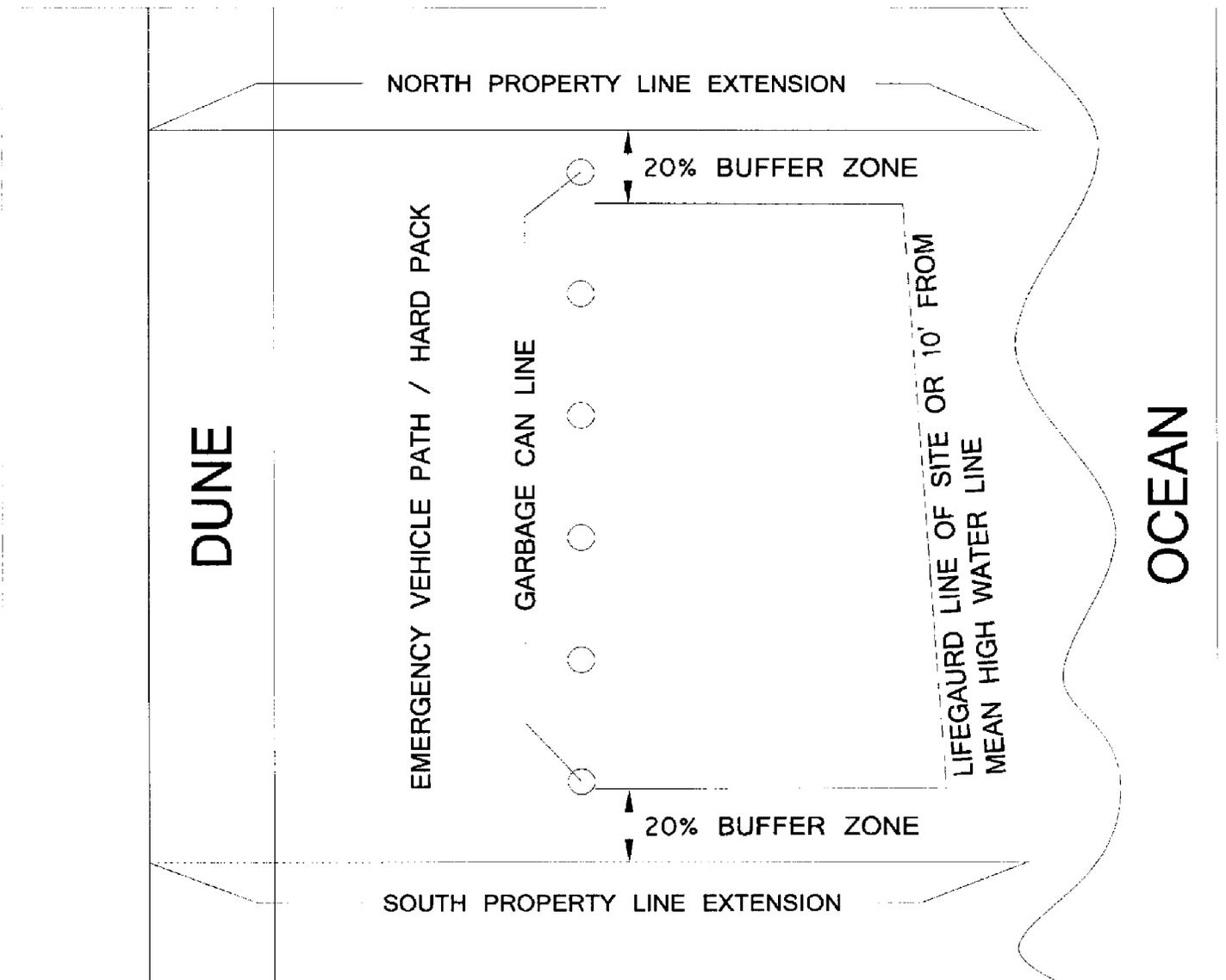
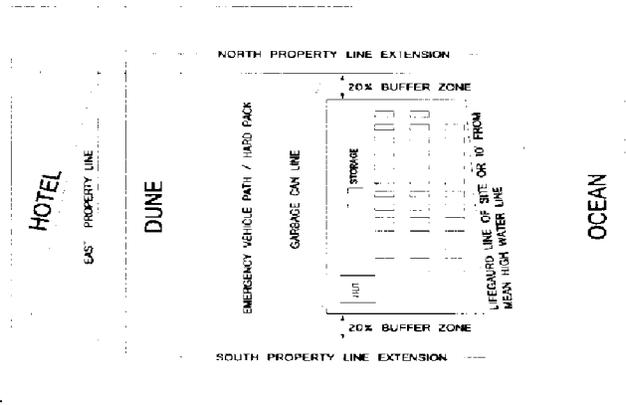
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# **Attachment 1**

**NCAC#55**

# BEACHFRONT CONCESSION LAYOUT

In the space provided below draw the dimensions of the space you are proposing to use. Include the specific number of items and equipment as listed on the Operational Plan. (See sample to the right)



**NEIGHBORHOODS/COMMUNITY AFFAIRS COMMITTEE PENDING ITEMS**

**FOR INFORMATION PURPOSES ONLY**

<b>Item #</b>	<b>Commission Referral Date</b>	<b>Title</b>	<b>Referred By</b>	<b>To Handle By</b>	<b>Comments</b>
1	<i>Item R9G, April 14, 2010</i>	<b>Discussion Regarding Belle Isle Traffic And Parking Conditions.</b>	<i>Commissioner Wolfson</i>	<i>City Attorney's Office</i>	<i>Last discussed at NCAC April 27, 2010 – Pending (Remaining topic to have legal prepare a reso for Commission to be notified in the event of a repair or dispute that diminishes services to the community that can be cured pending resolution of the issue).</i>
2	<i>Item C4C, June 1, 2011</i>	<b>Consideration And Discussion Of Proposed Amendments To The City's Noise Ordinance.</b>	<i>City Attorney's office</i>	<i>Hernan Cardeno</i>	<i>Last Discussed at NCAC June 26, 2013, New Committee to be created and discuss item then bring back to NCAC.</i>
3	<i>Item R7A, January 11, 2012</i>	<b>Discussion Regarding A Resolution Granting And Authorizing The Mayor And City Clerk To Execute An After-The-Fact Revocable Permit To Asr Berwick Family Ltd Partners, As Owner Of The Commercial Property Located At 335 West 47<sup>th</sup> Street, To Retain A/C Units, A Utility Room, And A Trash Enclosure, Currently Placed Within The Public City Right-Of-Way On West 47<sup>th</sup> Court.</b>	<i>City Commission</i>	<i>City Attorney's Office</i>	<i>Deferred to a future meeting of the NCAC pending further discussions amongst interested parties regarding issues related to parking. Last discussed at the May 22, 2012 NCAC meeting.</i>
4	<i>Item R9H, June 6, 2012</i>	<b>Discussion Regarding Commercial Use Of Residential Property</b>	<i>Commissioner Tabin</i>	<i>City Attorney's Office</i>	<i>Per JGG this is on hold pending Legal</i>

6	<i>Item</i>	<b>Discussion Regarding Bicyclist Safety Campaign With The Miami Beach Police Department, Deco Bikes And Local Bicycle Rental Companies</b>	<i>Commissioner Weithorn</i>	<i>Eric Carpenter</i>	<i>Last heard at the July 30, 2013 NCAC. Referred to the Bicycle Committee and bring back to NCAC in March 2014</i>
7	<i>Item C4H</i>	<b>Discussion Regarding A Maintenance Plan Along The 41<sup>st</sup> Street Business Corridor And Possibly Appointing A Dedicated Liaison To The Corridor (Like Lincoln Road)</b>	<i>Commissioner Tobin</i>	<i>Marcia Monserrat</i>	<i>To be discussed at the March NCAC meeting</i>
8	<i>Item C4J October 16, 2013</i>	<b>Discussion Regarding Trespass Sign Program For Buildings Under Construction</b>	<i>Commissioner Weithorn</i>	<i>Chief Martinez</i>	<i>To be discussed at the March NCAC meeting</i>
9	<i>Item C4K October 16, 2013</i>	<b>Discussion Regarding Alternative Location For Dog Park In South Pointe 12Park</b>	<i>Vice Mayor Tobin</i>	<i>John Rebar</i>	<i>To be discussed at the March NCAC meeting</i>
10	<i>Item R9S October 16, 2013</i>	<b>Discussion Regarding Exploring Into An Establishment For A Handicap Beach Within Our City Limits</b>	<i>Commissioner Tobin</i>	<i>Eric Carpenter</i>	<i>To be discussed at the March NCAC meeting</i>
11	<i>Item C4D September11, 2013</i>	<b>Discussion Regarding Water Taxis Proposal</b>	<i>Max Sklar</i>		<i>To be discussed at the March NCAC meeting. Last heard at the October 28, 2013 meeting.</i>
12	<i>Item C4F May 8, 2013</i>	<b>Discussion Regarding A New False Claims Ordinance. (Whistle Blower)</b>	<i>Commissioner Tobin</i>		<i>To be discussed at the March NCAC meeting. Last heard at the July 29, 2013 meeting.</i>
13	<i>Item C4H February 12, 2014</i>	<b>Discussion On Regulation Of Mechanical Equipment Noise.</b>	<i>Commissioner Weithorn</i>	<i>City Attorney's Office</i>	<i>To be discussed at the March NCAC meeting.</i>
14	<i>Item C4C February 12, 2014</i>	<b>Discussion Of Placing A Plaque At Flamingo Park Tennis Center In Memory Of Jerry Moss, The First National Tennis Champion From Miami Beach.</b>	<i>Commissioner Malakoff</i>	<i>John Rebar</i>	<i>To be discussed at the March NCAC meeting.</i>
15	<i>Item C4F February 12, 2014</i>	<b>An Ordinance Amending Chapter 18 Of The City Code, Entitled "Businesses," To Provide Regulations And Standards For Nude Dance Establishments</b>	<i>Commissioner Tobin</i>	<i>City Attorney's Office</i>	<i>To be discussed at the March NCAC meeting.</i>

