

MIAMI BEACH

City Commission Meeting SUPPLEMENTAL MATERIAL 2

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive
May 11, 2016

Mayor Philip Levine
Commissioner John Elizabeth Alemán
Commissioner Ricky Arriola
Commissioner Kristen Rosen Gonzalez
Commissioner Michael Grieco
Commissioner Joy Malakoff
Commissioner Micky Steinberg

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

Visit us at www.miamibeachfl.gov for agendas and video "streaming" of City Commission Meetings.

ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

SUPPLEMENTAL AGENDA

C4 - Commission Committee Assignments

- C4M Referral To Neighborhood/Community Affairs Committee To Discuss Battle At The Beach.
(Sponsored by Commissioner Ricky Arriola)
(Memorandum)

R5 - Ordinances

- R5O An Ordinance Amending Chapter 82 Of The Code Of The City Of Miami Beach, Entitled "Public Property," By Amending Article V, Entitled "Beaches," By Amending Division 1, Entitled "Generally," By Creating A New Section 82-443, Entitled "High Impact Events On Beach Property," To Provide The City Manager With The Authority To Impose Certain Immediate Measures For The Protection Of Beach Property During High Impact Events In The City; Providing For Notification Of High Impact Event Measures, Enforcement, And Penalties; Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading**
(Sponsored by Commissioner Michael Grieco)
(Legislative Tracking: Office of the City Attorney/Tourism, Culture & Economic Development)
(Memorandum & Ordinance)

R9 - New Business and Commission Requests

R9P Discussion Regarding Launching A Pilot For Protected Bike Lane Separators.
(Sponsored by Commissioner Ricky Arriola)
(Memorandum)

MIAMIBEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Jimmy Morales, City Manager
FROM: Ricky Arriola, Commissioner
DATE: May 4, 2016
SUBJECT: **REFERRAL TO THE NEIGHBORHOODS AND COMMUNITY AFFAIRS COMMITTEE TO DISCUSS BATTLE AT THE BEACH**

Please add the above subject as a consent agenda item to the May 11, 2016 City Commission agenda.

Battle at the Beach is a proposed professional boxing series that would showcase local boxers while raising funds and awareness for the Miami Beach Police Athletic League and the Dwayne Have a Heart Foundation. I ask the City to explore ways in which it can get involved in this event.

Sincerely,
Ricky Arriola

MIAMIBEACH

Ricky Arriola, Commissioner

Office of the Mayor and Commission

1700 Convention Center Drive, 4th Floor, Miami Beach, FL 33139

Tel: 305-673-7000 x7107

www.miamibeachfl.gov



BATTLE AT THE BEACH – The return of Pro Boxing in Miami Beach at the North Beach Band Shell!

- Professional Boxing Series to help raise funds and awareness for the Miami Beach PAL KidFit Program and The Dwayne Have A Heart Foundation
- Showcase our talented and aspiring Pro Boxers currently training in our Miami Beach Gyms
- Regain some of the notoriety of the past and re-establish Miami Beach's reputation in Pro Boxing during the Heyday of Ali, Liston, etc.
- Presentation of Current and former Champs directed to the PAL Youth

Promoter's requirements:

1. Acquire and pay for all the necessary Promotional and Event Licenses, Bonding, Insurance, etc. as required by the Florida Boxing Commission.
2. Once approved by the City and Venue the date of the event will be reserved with the Boxing Commission.
3. Organize the Bouts, Solicit Sponsors, establish the Vendors and overall set-up and schedule (Ring rental, Lighting, Ring Covering if required, DJ, Ring Announcer, Paramedics, Security, etc.)
4. Advertise the Event along with the help of the City (Posters, Print media, radio, etc.)

City's requirements:

1. Overall approval of the event and scheduling the use of the Venue. The Ring, Lighting and seating are usually set up the day before the event.
2. Assistance with the Security of the venue and anything as normal practice for any event held at the Venue.
3. Assistance with any advertising, Sponsors or approved City Food/Merchandise Vendors

Condensed Title:

An Ordinance Amending Chapter 82 Of The Code Of The City Of Miami Beach, Entitled "Public Property," By Amending Article V, Entitled "Beaches," By Amending Division 1, Entitled "Generally," By Amending Sections 82-443, To Provide The City Manager Certain Immediate Measures For The Protection Of Beach Property During High Impact Events In The City; Providing For Notification, Enforcement, And Penalties; Providing For Repealer, Severability, Codification, And An Effective Date.

Key Intended Outcome Supported:

N/A
 Supporting Data (Surveys, Environmental Scan, etc.): N/A

Item Summary/Recommendation:

On April 27, 2016, the City Commission discussed the impacts of viral unsanctioned events following the issues which resulted from the Floatopia Miami event on Saturday April 16. The Commission unanimously passed a motion directing the City Manager and City Attorney to bring a City staff will determine if an event or gathering on beach property in the City of Miami Beach during which one or more of the following occur, which will be considered a High Impact Event:

1. An event, activity or period of time that generates a significant spike in social media conversations, increasing audience, impressions, and attention on the City, that is expected to generate attendance by more than 5,000 people for an area of beach property that extends less than 15 City blocks from south to north;
2. City Parking lots and garages in an area within a 15 block radius of an event that is held on beach property pursuant to a special event permit, or otherwise, are at full capacity;
3. An event is held pursuant to a special event permit which is expected to result in attendance by more than 25,000 people on beach property.
4. There is a designated major event period;
5. A maintenance of traffic plan is required;
6. Hotel occupancy levels are anticipated to be greater than 75 percent;
7. Mutual aid or other assistance from outside agencies is required to provide for the safety and well-being of residents and visitors to the destinations; or
8. An event on public property is anticipated to result in more than 25,000 visitors to the destination.

These are measures that would only be implemented on a case by case basis if we become aware that a high impact beach event will be coming to the City. These measures include:

1. The prohibition of coolers
2. The prohibition of any inflatable devices
3. The prohibition of tents and similar structures
4. The limitation of live or amplified music
5. The limitation of traffic routes to prohibit vehicular access to non-residents, and those patrons and employees of businesses located in the affected area (e.g., south of Fifth).
6. Establishing occupancy for different segments of beach property, and prohibiting access to those areas that have reached occupying limits, to protect the health, safety and welfare of the general public.
7. The prohibition of any direct or indirect public consumption of alcohol.
8. The implementation of a license plate reader police detail that may be utilized on east bound MacArthur Causeway, Julia Tuttle and any other access points into the City.

The Ordinance also includes a notice provision whereby notice shall be filed with the City Clerk and delivered to news media, radio and television stations from broadcast.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:	Amount		Account
	1		
OBPI	Total		

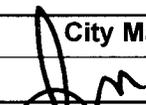
Financial Impact Summary:

N/A

City Clerk's Office Legislative Tracking:

City Attorney's Office

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		

T:\AGENDA\2016\May\FCE\Summ- Ordinance Dealing with High Impact Beach Events.v2.docx





MIAMI BEACH

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

COMMISSION MEMORANDUM

TO: Philip Levine, Mayor and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: May 11, 2016

SUBJECT: **AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 82 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "PUBLIC PROPERTY," BY AMENDING ARTICLE V, ENTITLED "BEACHES," BY AMENDING DIVISION 1, ENTITLED "GENERALLY," BY AMENDING SECTIONS 82-443, TO PROVIDE THE CITY MANAGER CERTAIN IMMEDIATE MEASURES FOR THE PROTECTION OF BEACH PROPERTY DURING HIGH IMPACT EVENTS IN THE CITY; PROVIDING FOR NOTIFICATION, ENFORCEMENT, AND PENALTIES; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

On April 27, 2016, the City Commission discussed the impacts of viral unsanctioned events following the issues which resulted from the Floatopia Miami event on Saturday April 16. In particular, the challenge is those events that are not sanctioned or subject to special event permit by the City and quality of life issues they present. The Commission unanimously passed a motion directing the City Manager and City Attorney to bring a comprehensive Ordinance without referring the item to committee.

BACKGROUND

In analyzing how to deal with such events, I consulted with my Department Directors and investigated how other communities (in and outside of Florida) have dealt with such events. The various methods employed generally break down into three categories:

- Prohibiting Beach Access, thereby reducing the crowds;
- Implementing very restrictive rules applicable to visiting the beach that serve as a significant deterrence to attendance; and
- Strategies and resource allocation to make the event manageable.

Following the direction of the Mayor and City Commission, City Staff and the City Attorney's Office prepared the attached beach management ordinance that sets forth specific prohibitions and actions the City Manager can order in connection with high impact beach events that are intended to provide significant crowd control and effectively manage the event. This Ordinance, once adopted on second hearing, will be included in the Beach Management Plan and presented to the Division of State Lands for approval in June.

Restrictive Rules to deter the Event

City staff will determine if an event or gathering on beach property in the City of Miami Beach during which one or more of the following occur, which will be considered a High Impact Event:

1. An event, activity or period of time that generates a significant spike in social media conversations, increasing audience, impressions, and attention on the City, that is expected to generate attendance by more than 5,000 people for an area of beach property that extends less than 15 City blocks from south to north;
2. City Parking lots and garages in an area within a 15 block radius of an event that is held on beach property pursuant to a special event permit, or otherwise, are at full capacity;
3. An event is held pursuant to a special event permit which is expected to result in attendance by more than 25,000 people on beach property.
4. There is a designated major event period;
5. A maintenance of traffic plan is required (e.g., including, but not limited to, street closures, lane closures, shuttle service);
6. Hotel occupancy levels are anticipated to be greater than 75 percent;
7. Mutual aid or other assistance from outside agencies is required to provide for the safety and well-being of residents and visitors to the destinations; or
8. An event on public property is anticipated to result in more than 25,000 visitors to the destination.

City Staff identified a series of steps that we believe provide significant crowd control and would also facilitate monitoring and enforcement. These are measures that would only be implemented on a case by case basis if we become aware that a high impact beach event will be coming to the City. These measures include:

1. The prohibition of coolers
2. The prohibition of any inflatable devices
3. The prohibition of tents and similar structures
4. The limitation of live or amplified music
5. The limitation of traffic routes to prohibit vehicular access to non-residents, and those patrons and employees of businesses located in the affected area (e.g., south of Fifth).
6. Establishing occupancy for different segments of beach property, and prohibiting access to those areas that have reached occupying limits, to protect the health, safety and welfare of the general public.
7. The prohibition of any direct or indirect public consumption of alcohol.
8. The implementation of a license plate reader police detail that may be utilized on east bound MacArthur Causeway, Julia Tuttle and any other access points into the City.

The Ordinance also includes a notice provision whereby notice shall be filed with the City Clerk and delivered to news media, radio and television stations from broadcast.

Which and how many of these measures to implement would vary depending on the nature of the event, the time of year, the location on the beach and other factors. We

would also need an aggressive social media campaign to educate the public about the measures. These measures would not preclude the licensed operation of the beach chair concessions and attendant services on the beach.

There are some of these measures that the City has used in the past and clearly are within our scope of authority (e.g. alcohol prohibition, LPR details on causeway). The advantage of this approach is that the City would not be closing a valuable public resource, but would simply be implementing one or more of these measures that protect that asset while also promoting public safety. There will still be a budgetary impact to the City since we will need to deploy police, code and other resources to enforce these rules, particularly in the early years. But, eventually, once events know that the City is serious and enforcing the rules, the numbers will diminish and compliance will become the rule.

RECOMMENDATION

The Administration recommends the Mayor and City Commission adopt the attached Ordinance on First Reading and set the Second Reading and Public Hearing for May 25, 2016.

Attachment

JLM/KGB/MAS

T:\AGENDA\2016\May\TCED\Memo- Ordinance Dealing with High Impact Beach Events.v2.docx

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 82 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "PUBLIC PROPERTY," BY AMENDING ARTICLE V, ENTITLED "BEACHES," BY AMENDING DIVISION 1, ENTITLED "GENERALLY," BY CREATING A NEW SECTION 82-443, ENTITLED "HIGH IMPACT EVENTS ON BEACH PROPERTY," TO PROVIDE THE CITY MANAGER WITH THE AUTHORITY TO IMPOSE CERTAIN IMMEDIATE MEASURES FOR THE PROTECTION OF BEACH PROPERTY DURING HIGH IMPACT EVENTS IN THE CITY; PROVIDING FOR NOTIFICATION OF HIGH IMPACT EVENT MEASURES, ENFORCEMENT, AND PENALTIES; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach ("City") is an internationally renowned tourist destination that is famous for its beaches, which are among the best in the world; and

WHEREAS, due to its domestic and international popularity as a resort destination, many events, both authorized by City permits and otherwise, occur on a regular and frequent basis on the beaches within the City; and

WHEREAS, the beach property in the City between the Mean High Water mark and the Erosion Control Line is owned by the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, but is expressly managed by the City pursuant to Management Agreement No. 750-006 ("Management Agreement"), as amended and extended from time to time; and

WHEREAS, paragraph 4 of the Management Agreement specifically states, "[i]t is understood and agreed that the City shall have responsibility for the protection of the property; and shall through its agent and employees take all reasonable measures to provide security against property damage, property degradation and unauthorized uses"; and

WHEREAS, certain authorized and unauthorized uses of the beaches within the City have caused property damage, property degradation, and unauthorized uses which require the reasonable measures set forth in this Ordinance to provide security against such harms to the beaches; and

WHEREAS, the reasonable measures set forth in this Ordinance will authorize the City manager to implement specific and immediate, delineated measures that will prevent property damage, property degradation, and unauthorized uses on the beach property.

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

Section 1. That Division 1 of Article V of Chapter 82 of the Code of the City of Miami Beach, Florida, is hereby amended as follows:

**CHAPTER 82
PUBLIC PROPERTY**

* * *

Article V. Beaches

* * *

Division 1. Generally

* * *

Sec. 82-443. Reserved. High Impact Events on Beach Property.

a. Definitions.

Beach Property means the beach property between the Mean High Water Mark and the Erosion Control Line within the municipal boundaries of the City of Miami Beach, which is the subject of the Management Agreement for Certain Lands No. 750-006 between the City of Miami Beach and the Trustees of the Internal Improvement Trust Fund of the State of Florida, as such Agreement may be amended and extended.

High Impact Event means an event or gathering on beach property in the City of Miami Beach during which one or more of the following occur:

- 1) An event, activity or period of time that generates a significant spike in social media conversations, increasing audience impressions, and attention on the City, which is expected to generate attendance by more than 5,000 people for an area of beach property that extends less than 15 City blocks from south to north;
- 2) City parking lots and garages in an area within a 15 block radius of an event that is held on beach property pursuant to a special event permit, or otherwise, are at full capacity;
- 3) An event is held pursuant to a special event permit, which is expected to result in attendance by more than 25,000 people on beach property;
- 4) There is a designated major event period (as set forth and identified within the special event regulations and guidelines, as may be amended from time to time);
- 5) A maintenance of traffic plan would be required, or is required (e.g., including, but not limited to, street closures, lane closures, shuttle service) based upon the high impact event, or pursuant to a special event permit;
- 6) Hotel occupancy levels are anticipated to be greater than 75 percent in the City;

- 7) Law Enforcement Mutual Aid or other assistance from outside law enforcement agencies is required to provide for the safety and well-being of residents and visitors to the beach property; or
- 8) An event on beach property, which may impact public property, is anticipated to result in more than 25,000 visitors to the city.

b. City Manager's Authority to Impose Immediate Measure(s) for High Impact Events.

Whenever the City Manager determines that a high impact event on beach property will occur, or is in progress, one or more of the following immediate measures may be imposed on beach property to protect the beach property from damage, property degradation, and/or unauthorized uses:

1. The prohibition of coolers.
2. The prohibition of any inflatable devices.
3. The prohibition of tents, tables, and similar structures.
4. The limitation of live or amplified music.
5. The limitation of traffic routes to prohibit vehicular access to non-residents, and permit access only for residents and those patrons and employees of businesses located in the specific area where traffic routes have been limited (e.g., south of Fifth Street).
6. The establishment of occupancy limits for different segments of beach property, and prohibiting access to those areas that have reached those occupancy limits, in order to protect the health, safety, and welfare of the general public.
7. The prohibition of any direct or indirect consumption of alcohol on the beach property.
8. The implementation of a license plate reader police detail, which may be utilized on eastbound traffic lanes of the MacArthur Causeway, Julia Tuttle Causeway, and on any other access points into the City.

c. Notification of High Impact Event Measures

When one or more immediate measures are implemented by the City Manager pursuant to subsection (b) above, such measures, and their duration, shall be filed with the City Clerk and delivered to appropriate news media for publication and to local radio and television stations for broadcast. If practicable, signs may be posted in the impacted area(s) advising of the measures during the duration of such measures.

d. Enforcement; penalty.

Any violation of the measures imposed pursuant to subsection 82-443(b) above, shall be punished as provided in section 1-14 of this Code.

SECTION 2. REPEALER.

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

SECTION 3. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 4. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the City of Miami Beach, Florida. The sections of this Ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect on the tenth (10th) day following its adoption.

PASSED and ADOPTED this _____ day of _____, 2016.

ATTEST:

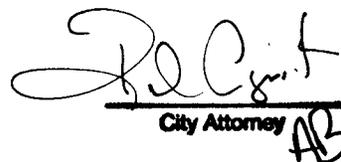
Philip Levine
Mayor

Rafael E. Granado
City Clerk

(Sponsored by Commissioner Michael Grieco)

Underline denotes addition

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



City Attorney **AB** 5/6/16
Date

MIAMIBEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Jimmy Morales, City Manager
FROM: Ricky Arriola, Commissioner
DATE: May 4, 2016
SUBJECT: **DISCUSSION REGARDING LAUNCHING A PILOT PROGRAM FOR
A PROTECTED BIKE LANE SEPARATOR**

Please add the above subject as a discussion item to the May 11, 2016 City Commission agenda.

Sincerely,
Ricky Arriola

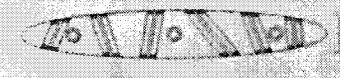
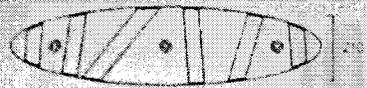
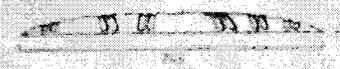
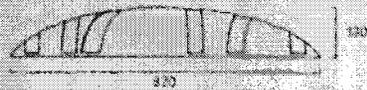
MIAMIBEACH

Ricky Arriola, Commissioner
Office of the Mayor and Commission
1700 Convention Center Drive, 4th Floor, Miami Beach, FL 33139
Tel: 305-673-7000 x7107
www.miamibeachfl.gov

Zebra 13

Zebra 9

Zebra 5



Weight	8.5 kg
Length	820 mm
Height	130 mm
Width	210 mm
Colour	Black

Weight	4.7 kg
Length	775 mm
Height	90 mm
Width	164 mm
Colour	Black

Weight	2.3 kg
Length	748 mm
Height	50 mm
Width	120 mm
Colour	Black

Spacing between elements

Recommended spacing
1.3 m

Maximum spacing allowed
2.6 m

Spacing of over 2.6 metres between the separators poses a great risk for both cyclists and other road users.

Testing

Properties	Unit	Regulation	Value
Hardness	ShA	DIN 53505	92
Tensile strength	MPa	UNE EN ISO 527-2527-2	12
Elongation at break	%	UNE EN ISO 527-2527-2	130
Tear resistance	kN/m		36
Taber abrasion loss	mg/1,000 cycles	UNE 135203	109
Lightfastness		UNE 4092-3	Excellent
Resistance to acids			Excellent
Resistance to bases			Excellent
Reaction to fire		Euroclass	B ₁ -s1
Density	g/cm ³	UNE EN ISO 1183-1A	1.23
Crush resistance	kN		200



THIS PAGE INTENTIONALLY LEFT BLANK