



MIAMI BEACH

OFFICE OF THE CITY MANAGER

COMMISSION 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: May 6, 2014

**SUBJECT: REPORT OF THE NEIGHBORHOOD/COMMUNITY AFFAIRS COMMITTEE (NCAC)
THAT WAS HELD ON FRIDAY, APRIL 25, 2014**

A meeting of the Neighborhood/Community Affairs Committee was held on Friday, April 25, 2014 at 3:00pm in the Commission Chamber, 3rd Floor of City Hall. Commissioners in attendance: Commissioners Micky Steinberg, Deede Weithorn, Joy Malakoff and Ed Tobin. Members from the Administration and the public were also in attendance. Please see the attached sign-in sheet.

The agenda for the meeting is as follows:

OLD BUSINESS

- 1. Discussion Of The City's Draft Tree Ordinance Prepared By The Public Works Department Green Space Management Division. 3:00 PM**
Commission Item C4A, November 14, 2012
(Requested by City Commission)

Mark Williams, Public Works Park Supervisor presented the item.

The City of Miami Beach (City) adopted the current version of the Article II. Care and Maintenance of Trees and Plants Division 2 Trees code on November 8, 2001. Since that time there has been substantial positive growth of the City's urban forest. A major reforestation effort was approved and initiated in FY 2006/2007. This effort, combined with neighborhood tree installations with CIP improvements, has planted over 1 0,000+ reforestation trees in the city's streetscapes, parks and other public spaces. The primary goal for any urban forestry program is sustainability. In order to adequately, protect and increase the value of the urban forest the development of a strong tree ordinance is of paramount importance. The City is currently subject to the Miami Dade County (County) tree preservation and protection ordinance. The present City tree code lacks adequate specifications and is therefore not officially recognized. The tree code has been redrafted to incorporate many of the tenants present in the current Miami Dade County tree preservation and protection ordinance, with additional specifications uniquely tailored for the City of Miami Beach's urban forest. Adoption of the revised code will allow for an official exemption from the Miami Dade County tree removal permitting regulations, and also provide a potential urban forest management funding source.

The final draft of the City of Miami Beach revised tree code has completed the first stage of internal review and commenting from the County RER Environmental Resources Management Tree Program, and has received initial approval for compliance with the minimum requirements for exemption from the County Environmental Code. The final stage of review with County RER

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Agenda Item CGB
Date 5-21-14

Environmental Resources Management Tree Program shall occur prior to official public adoption by the City.

Commissioner Weithorn- Inquired if every tree would be protected by the City, even if it is on private property. Inquired if this would be voluntary or involuntary.

Mark Williams- Informed the Commissioners that yes with the property owners permission the City would be allowed to designate a tree as historical. Assured Commissioner Weithorn that it is voluntary.

Commissioner Weithorn- Directed Administration to make the language very specific within the ordinance that this is voluntary.

Mark Williams- Assured Commissioner Weithorn that it will be.

Commissioner Tobin- Stated that several years back a resident called the City with a complaint that a neighbor was trying to cut down a tree that was of importance. Stated that this could have been one of two issues, either it was a historic tree or the neighbor was attempting to cut it without a proper permit.

Mark Williams- Stated that the ordinance being proposed would allow Administration to either license the removal of a tree, or go after violators that do not follow the ordinance.

Commissioner Tobin- Inquired about historic trees, can a neighbor call and make a trees historically designated.

Mark Williams- It would need the permission of the property owner.

Commissioner Weithorn- If the tree is intruding on a neighbor's property or on City property than the City should have a right to remove the tree.

Commissioner Malakoff- Inquired if there was a way to prevent FPL from removing trees the City deems protected.

Mark Williams- Informed the Commissioners that FPL's right of way easements have special protection from the state level that protects it from local codes

Commissioner Weithorn- Stated that some residents trim their trees and would like to find a way to give them guidelines about proper tree trimming.

Mark Williams- Yes, proper tree trimming is a large part of the ordinance.

Commissioner Weithorn- Stated that her main concern is how that information would be given to the residents.

Mark Williams- Stated that is public outreach. Once the ordinance is passed Administration will arrange panels with Homeowner Associations (HOA).

Commissioner Weithorn- Inquired what the direction Administration would like is.

Mark Williams- Stated that this should be the final committee to hear the ordinance before it goes up to Commission.

Commissioner Weithorn- Inquired if Administration would like to move it to Commission.

Mark Williams- Stated that yes that would be best.

MOTION by Commissioner Weithorn to move it to Commission.

Seconded by Commissioner Steinberg.

Sheryl Gold (resident) spoke.

2. Discussion Regarding A Motion Made By The Committee For Quality Education To Explore An Additional Exit Installed At The Northeast Corner Of The Public Parking Lot At 42nd Street And Royal Palm Avenue Beside North Beach Elementary School. 3:17 PM

Commission Item C4L, December 13, 2013

(Requested by Commissioner Ed Tobin)

Eric Carpenter, Public Works Director presented the item

Already identified the location for the additional exit on Royal Palm Avenue. It will be in line with the third row from the South, second from the North, depending on how one looks at it. Will be out there surveying and designing the improvements so that the City can construct it with in-house forces or with one of the City's rotating contractors. It should be limited dollars and it should address the concerns.

Commissioner Tobin- Inquired what the time frame is to get this project underway.

Eric Carpenter- Stated that it would be 75 days. 30 days for the design portion of the project and 45 for the construction.

Commissioner Tobin- Asked if in 30 days Administration would be back to presented to the committee a positive report.

Eric Carpenter- Stated that Administration certainly will.

Commissioner Weithorn- Inquired if Administration can ensure that this one is adequately at grade.

Eric Carpenter- The only concern with that issue is that the dip in the driveway is usually a result of the flow lines for drainage. If the elevation for the flow line starts to change it can disrupt the drainage. Stated that someone will look into it during the design phase, but does not want to promise something that may not be attainable.

Commissioner Weithorn- Stated that if there is nothing that can be done, a sign should be in place to warn people that there is a dip in the driveway.

MOTION: by Commissioner Weithorn to bring it back to Committee in 30 days with the design plan. Seconded by Commissioner Tobin.

Karen Rivo (resident) spoke

DIRECTION: Commissioner Tobin to have Administration study all the options and to come back in 30 days with all the improvements that need to be done.

3. Discussion Regarding Sightseeing And Tour Bus Industry Regulations. 3:21 PM

Commission Item C6B, October 16, 2013

(Requested by Commissioner Tobin)

Jose Gonzalez, Transportation Director, and Debora Turner, Assistant City Attorney presented the item.

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 is permitted.

Attached is a draft outline of a Request For Proposal (RFP) for a Concession Agreement for Exclusive Loading and Unloading Locations for a Hop-on/Hop-off Open Loop Tour Company.

The Administration recommends that the authorization to issue the RFP be brought for approval at the May 21, 2014 City Commission meeting. Based on discussions with Legal, the issue of enhancing regulations to enforce tour bus operations is complicated, and requires further research.

Debora Turner-Administration need to look into regulations. The City is allowed to have reasonable regulation of this under Florida law. The City can regulate as long as there is no discrimination. What the City cannot do is prevent competition.

Commissioner Tobin-Inquired if residents used the hop-on hop-off tour buses if it could be regulated.

Raul Aguila- Stated that Administration should take a two-step approach. The first would be to issue an RFP that would give a vendor or vendors specific concession rights to load and unload at specific City stops where they would have exclusive rights. In regards to regulating, this is something that would need to be studied further. Suggested that Administration bring an ordinance at a later date and go forward today with the RFP.

Commissioner Weithorn-Inquired if the tour bus kiosk would be on private or public property.

Kathie Brooks-Stated that the City would allow the tour buses to place kiosks on public property. It is a benefit they are getting from the concession.

Commissioner Weithorn- Inquired if this affected the closed-loop tours.

Commissioner Malakoff- Inquired if it were possible for the City Attorney's Office to also look into prohibiting amplified noise on the tour buses.

Raul Aguila - Stated that that is a reasonable regulation, and the City Attorney's Office will look into it.

Lucia Dougherty (on behalf of Miami Open City Tours) spoke.

Commissioner Tobin- Inquired if there will be anything that would preclude the Commission from making a decision.

Raul Aguila –Stated that no, not if the Commission puts in the language that the Commission reserves the right to issue one or multiple vendors.

Commissioner Weithorn-Inquired that all the vendors would have to share 1 kiosk. Stated that she does not want 4 kiosks on public property.

Raul Aguila –Stated that sharing is an option that can be presented. Also, giving one stop to one vendor and one stop to another is also an option, or not having kiosks at all.

Commissioner Tobin- Stated that it would be best to keep all the options open, does not think it is necessary to have a kiosk or a stop on Ocean Drive.

Raul Aguila – Stated that these are designated City stops that would be awarded from concession agreements. This is something the Commission would decide where, if and how many the Commission would like to award a concession agreement to.

Commissioner Tobin- Stated that the issue has nothing to do with revenue; it is a matter of quality of life.

Commissioner Malakoff- Inquired if it were possible to require them to all have the same GPS system.

Kathie Brooks-Stated that if the Commission does decide to add that language that it would include specifics such as sharing a GPS, no more than a certain number of stops per day etc.

Raul Aguila –Stated that all of this is subject to a contract in the same way the Commission handled DecoBike and other concession agreements is the same way the Commission can handle tour bus regulations.

Commissioner Weithorn- Inquired if the RFP could clearly state that the contract will have terms that make it operationally possible under the City's terms. This would allow the City to avoid a vendor trying to dictate how to run the business. Especially since there are very specialized terms, for example a weekend that the City would have to close Ocean Drive.

MOTION: by Commissioner Weithorn to issue the RFP to state the Commission has the right to go to more than one vendor and add the language as was discussed that states the City has the rights to regulate, the rights to the terms and conditions, and anything that would be needed to protect the City in the RFP.

Seconded by Commissioner Tobin.

4. Addendum: Discussion Regarding Banning Bicycles On Lincoln Road And On Sidewalks Citywide Except For Parks. 3:37 PM

Debora Turner, Assistant City Attorney, presented the item.

Commissioner Weithorn-Stated that she would like these two items heard separately. Stated that she believes that these are two different issues and should be addressed separately.

Harvey Burstein (resident) spoke.

Kathie Brooks- Stated that banning bikes on Lincoln Road would be recommendation during business hours.

Commissioner Weithorn- Suggested that it should only be allowed on Lincoln Road from 2:00 AM to 10:00 AM.

Commissioner Tobin- Asked the Committee members if they agreed with banning bicycles on Lincoln Road from the hours of 9:00 AM to 2:00 AM.

Commissioner Weithorn – Asked Administration if they can observe where the bicycle racks are in place and to ensure that they are accessible. Also, above the bicycle rack have a sign that reads 'Bicycle Dismount' placed.

Commissioner Tobin- Asked Administration if they can ensure that Code Enforcement is on Lincoln Road enforcing the code.

MOTION by Commissioner Weithorn to permit bicycles on Lincoln Road only from 2:00 AM to 9:00 AM.

Seconded by acclamation.

Debora Turner spoke on behalf of Discussion Regarding The Use of Bicycles On Sidewalks Citywide Except For Parks.

Commissioner Weithorn- Stated that she has two concerns, the first being that it is confusing for residents. Gave the example that Collins Avenue is a state road so the City cannot regulate whether or not bicycles can cycle on that street. Also, 41 Street is a state road so it cannot be regulated, but then Prairie is a City street and that can be regulated. There are several concerns. Also, residents wouldn't want to teach children to learn to ride a bike in the middle of the street. Stated that if there are designated areas where pedestrians and bicycles don't mix, for example Alton Road, than it would be okay to say no bicycles on the sidewalks.

Commissioner Malakoff- Asked if there can there be an exception for children.

Commissioner Weithorn – Stated that most of the time parents ride next to their children when teaching them how to ride a bicycle. That would force parents to ride on the street and children to ride on the sidewalk.

Commissioner Tobin- Lincoln Road has been agreed upon, which was the most important issue.

Sofia Secofky (resident) spoke.

Commissioner Weithorn- yes you would be able to wheel it down Lincoln road. That was my intention.

Commissioner Steinberg- good point we will clarify.

Commissioner Weithorn—how do you feel about pedestrian heavy streets.

Sofia Secofky (resident) spoke.

Commissioner Weithorn. Stated that yes, bicyclist can dismount their bikes on Lincoln Road and walk them through Lincoln Road.

Harvey Bernstein-(resident) spoke.

Sheryl Gold (resident) spoke.

Commissioner Weithorn- Inquired what the next step would be.

Debora Turner-It would be to identify first what are the heavily traveled pedestrian sidewalks, those would be the ones that should be regulated first.

Commissioner Weithorn-Suggested that Administration should look at the streets that have had the biggest problems with bicyclists and pedestrians comingling and then come back and narrow the focus.

Lilly Furst (resident) spoke.

NO ACTION

MOTION: by Commissioner Tobin to adjourn the meeting.

Seconded by acclamation.

3:53pm



MIAMI BEACH

NEIGHBORHOOD/COMMUNITY AFFAIRS COMMITTEE

April 25, 2014

SIGN-IN SHEET

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