

# MIAMI BEACH

## City Commission Meeting ADDENDUM MATERIAL 2

City Hall, Commission Chambers, 3<sup>rd</sup> Floor, 1700 Convention Center Drive  
July 13, 2016

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

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

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### 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.**

### ADDENDUM AGENDA

#### R7 - Resolutions

R7FF A Resolution Urging The Florida Legislature To Amend Section 775.085 Of The Florida Statutes To Include Enhanced Penalties For Felonies And Misdemeanors Committed Against Law Enforcement Officers, Firefighters, Emergency Services Personnel, And Code Enforcement Officers Due To Their Employment Status.

(Sponsored by Commissioner John Elizabeth Alemán)  
(Legislative Tracking: Office of the City Attorney)

R7GG A Resolution Accepting The City Manager's Recommendation Of AECOM To Modify The Methodology For Calculating The Equivalent Residential Unit (ERU) For Stormwater Utility Usage, And Directing The City Administration To Draft An Ordinance Amending Chapter 110 Of The City Code To Implement The Modified ERU Calculation From 791 To 849 Square Feet Of Impervious Area.

(Public Works)

**R9 - New Business and Commission Requests**

R9V Discussion Regarding Funding For Events In Fiscal Year 2016-2017.  
(Tourism, Culture & Economic Development)



# MIAMI BEACH

OFFICE OF THE MAYOR AND COMMISSION  
MEMORANDUM

TO: Jimmy Morales, City Manager  
FROM: John Elizabeth Alemán, Commissioner  
DATE: July 8, 2016  
SUBJECT: Agenda item for July 2016 City Commission Meeting

Please place the attached Resolution regarding enhanced penalties for crimes committed against law enforcement officers, firefighters, emergency services personnel and code enforcement officials on the July 13, 2016 City Commission agenda for consideration by the Mayor and City Commission.

As we all know, our police officers put their lives on the line every day. At the same time, we expect them to be highly trained, consummately professional and self-controlled, and make the right decisions under extreme pressure at all times. We require, therefore, highly talented, intelligent and capable individuals. In order for such individuals to seek a career in law enforcement to be "worth the risk" to themselves personally and for their families, I think it is appropriate to offer them higher protections on par with the higher risk that they face as compared to other public servants. In addition to law enforcement, I believe it is appropriate to extend this type of legislation to firefighters, EMS workers, and code enforcement officers.

**Background**

There is a national effort among some law enforcement advocates to equate assaults and other actions against police officers and other public servants with the long-standing notion of hate crime. Hate crime legislation, both at the federal and state level, is designed to protect particularly vulnerable populations from hateful violence because of their status (e.g., race, sexual orientation, etc.) The thinking here is that law enforcement in particular, which has been targeted directly with violence based solely on their uniform, should have this same kind of statutory protection. The South Miami resolution urges our State Legislature to pass legislation providing for enhanced penalties when police, firefighters, or EMS workers are assaulted on this same theory that the crime is more heinous and deserving of a higher penalty because of the special status of these public servants. I would add code enforcement officers to the categories of employees that should be protected as set forth in the attached proposed Resolution.

I would also add the proposed amendment to Section 775.085 of the Florida Statutes as legislative priority on our lobbying agenda to advocate for such a bill. I know that this legislation is not a complete solution to the problem, which is far reaching and complex. However, if it were to have any impact on criminal behavior it would be very worthwhile.

If you have any questions, please do not hesitate to call our office at ext. 6473.

Thank you!

MIAMI BEACH  
**Commissioner John Elizabeth Alemán**  
OFFICE OF MAYOR AND COMMISSION  
1700 Convention Center Drive, Miami Beach, FL 33139  
Tel: 305-673-7102 / Fax: 305-673-7096 / www.miamibeachfl.gov

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, URGING THE FLORIDA LEGISLATURE TO AMEND SECTION 775.085 OF THE FLORIDA STATUTES TO INCLUDE ENHANCED PENALTIES FOR FELONIES AND MISDEMEANORS COMMITTED AGAINST LAW ENFORCEMENT OFFICERS, FIREFIGHTERS, EMERGENCY SERVICES PERSONNEL, AND CODE ENFORCEMENT OFFICERS DUE TO THEIR EMPLOYMENT STATUS.**

**WHEREAS**, in 1989, the Florida Legislature enacted several statutes designed to address the issue of hate crimes. For example, Section 775.085 of the Florida Statutes was created to increase penalties for convictions of crimes where there was evidence of certain prejudice; and

**WHEREAS**, in addition, the Florida Legislature enacted the Hate Crimes Reporting Act in Section 877.19 of the Florida Statutes that requires law enforcement agencies to report hate crimes to the Florida Department of Law Enforcement (FDLE) and, further, requires the Florida Attorney General to publish an annual summary of the reported data; and

**WHEREAS**, the 1995 report of the Florida Attorney General states that a "hate crime is among the most insidious acts taken by one person against another, founded in prejudice and intolerance." The report defined a hate crime as "an act committed or attempted by one person or group against another person or group, or their property, that in any way constitutes an expression of hatred toward the victim based on his or her personal characteristics; and

**WHEREAS**, under Section 775.085 of the Florida Statutes, criminal penalties are enhanced for certain hate-based acts. Reported hate crime offenses range in seriousness from vandalism and intimidation to aggravated battery and murder; and

**WHEREAS**, there has been an increasing number of hate crimes against law enforcement officers, and such officers, as well as firefighters, emergency services personnel, and code enforcement officers should be protected under Florida laws that enhance penalties for hate crimes.

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

**Section 1.** The Mayor and City Commission of the City of Miami Beach hereby urge the Florida Legislature to amend Section 775.085 of the Florida Statutes to include employment as law enforcement officers, firefighters, emergency services personnel, and code enforcement officers among the classifications that are protected against hate crimes as set forth below:

**775.085 Evidencing prejudice while committing offense; reclassification.–**

(1)(a) The penalty for any felony or misdemeanor shall be reclassified as provided in this subsection if the commission of such felony or misdemeanor evidences prejudice based on the race, color, ancestry, ethnicity, religion, sexual orientation, national origin, homeless status, or advanced age of the victim or because of actual or perceived employment as a law enforcement officer, firefighter, emergency services personnel, or code enforcement officer:

1. A misdemeanor of the second degree is reclassified to a misdemeanor of the first degree.
2. A misdemeanor of the first degree is reclassified to a felony of the third degree.
3. A felony of the third degree is reclassified to a felony of the second degree.
4. A felony of the second degree is reclassified to a felony of the first degree.
5. A felony of the first degree is reclassified to a life felony.

(b) As used in paragraph (a), the term:

1. "Advanced age" means that the victim is older than 65 years of age.
2. "Homeless status" means that the victim:
  - a. Lacks a fixed, regular, and adequate nighttime residence; or
  - b. Has a primary nighttime residence that is:
    - (I) A supervised publicly or privately operated shelter designed to provide temporary living accommodations; or
    - (II) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation of human beings.
3. "Code enforcement officer" means any designated employee or agent of a county or municipality whose duty it is to enforce codes and ordinances enacted by the county or municipality.
4. "Emergency services personnel" means anyone who provides emergency medical services and other public safety services to the scene of an emergency.
5. "Firefighter" means any firefighter regularly employed by a fire department of any municipality, county, or Special Fire Control District of the State of Florida.
6. "Law enforcement officer" means any active or retired municipal, county, or state law enforcement officer, state and county correctional officer, or Public Service Aids, and those employees of any municipal, county, state or federal law

enforcement agencies whose duties include the enforcement of municipal, county, state or federal laws.

(2) A person or organization that establishes by clear and convincing evidence that it has been coerced, intimidated, or threatened in violation of this section has a civil cause of action for treble damages, an injunction, or any other appropriate relief in law or in equity. Upon prevailing in such civil action, the plaintiff may recover reasonable attorney fees and costs.

(3) It is an essential element of this section that the record reflect that the defendant perceived, knew, or had reasonable grounds to know or perceive that the victim was within the class delineated in this section.

**Section 2.** The City Clerk is hereby instructed to send a copy of this Resolution to the members of the Florida Legislature, the Governor and his cabinet, the Florida Department of Law Enforcement, and to all of the law enforcement agencies of all of the Florida counties and municipalities.

**Section 3.** This Resolution shall become effective immediately upon adoption by the City Commission.

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Philip Levine, Mayor

**ATTEST:**

\_\_\_\_\_  
Rafael E. Granado, City Clerk

F:\ATTO\TURN\RESOS\Hate Crime Legis 775.085.docx

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

*[Handwritten Signature]*  
\_\_\_\_\_  
City Attorney

*[Handwritten Date]*  
\_\_\_\_\_  
Date

# MIAMI BEACH

OFFICE OF THE CITY MANAGER

No. 269-2016

LETTER TO COMMISSION

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager



DATE: July 13, 2016

**SUBJECT: CITY OF SOUTH MIAMI RESOLUTION**

Attached for your information is Resolution No. 106-16-14661, adopted by the Mayor and Commission of the City of South Miami on June 7, 2016.

A Resolution Of The Mayor And City Commission Of The City Of South Miami Requesting That The Florida Legislature Amend Florida Statutes, Section 775.085, To Include Enhanced Penalties For Felonies And Misdemeanors Committed Against Law Enforcement Officers, Firefighters, And Emergency Services Personnel Due To Their Employment Status.

The City of South Miami has requested that a copy of this resolution be provided to the Miami Beach Mayor and Commissioners.

If you have any questions, please contact the Office of the City Clerk at 305.673.7411.

JLM/REG

Attachment

RESOLUTION NO. 106-16-14661

**A Resolution of the Mayor and City Commission of the City of South Miami requesting that the Florida Legislature amend Florida Statutes, Section 775.085, to include enhanced penalties for felonies and misdemeanors committed against law enforcement officers, firefighters, and emergency services personnel due to their employment status.**

**WHEREAS**, in 1989, the Florida Legislature enacted several statutes designed to address the issue of hate crimes. Section 775.085, Florida Statutes, was created to increase penalties for convictions of crimes where there was evidence of certain prejudice; and

**WHEREAS**, the legislature enacted the Hate Crimes Reporting Act, section 877.19, Florida Statutes, that requires law enforcement agencies to report hate crimes to the Florida Department of Law Enforcement (FDLE); and

**WHEREAS**, the 1995 report of the Florida Attorney General found that a hate crime is among the most insidious acts taken by one person against another, founded in prejudice and intolerance. The report defined a hate crime as an act committed or attempted by one person or group against another person or group, or their property, that in any way constitutes an expression of hatred toward the victim based on his or her personal characteristics; and

**WHEREAS**, under section 775.085, Florida Statutes, criminal penalties are enhanced for such hate-based acts. As the Florida Department of Law Enforcement notes in its Hate Crime Report Manual, the motivation behind the act is the key element in determining whether an incident is hate-related. Reported hate crime offenses ranged in seriousness from vandalism and intimidation to aggravated battery and murder; and

**WHEREAS**, there have been an increasing number of hate crimes against law enforcement, firefighters and emergency personnel.

**NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSIONERS OF THE CITY OF SOUTH MIAMI, FLORIDA:**

**Section 1.** The Mayor and City Commission of the City of South Miami hereby encourages the Florida Legislature to amend Florida Statute, Section 775.085 to include employment as law enforcement officers, firefighters, and emergency services personnel among the classifications that are protected against hate crimes as follows:

775.085 Evidencing prejudice while committing offense;  
reclassification.—

(1) (a) The penalty for any felony or misdemeanor shall be reclassified as provided in this subsection if the commission of such felony or misdemeanor

evidences prejudice based on the race, color, ancestry, ethnicity, religion, sexual orientation, national origin, homeless status, mental or physical disability, or advanced age of the victim, or because of actual or perceived employment as a law enforcement officer, firefighter, or emergency services personnel:

1. A misdemeanor of the second degree is reclassified to a misdemeanor of the first degree.
2. A misdemeanor of the first degree is reclassified to a felony of the third degree.
3. A felony of the third degree is reclassified to a felony of the second degree.
4. A felony of the second degree is reclassified to a felony of the first degree.
5. A felony of the first degree is reclassified to a life felony.

(b) As used in paragraph (a), the term:

1. "Mental or physical disability" means that the victim suffers from a condition of physical or mental incapacitation due to a developmental disability, organic brain damage, or mental illness, and has one or more physical or mental limitations that restrict the victim's ability to perform the normal activities of daily living.

2. "Advanced age" means that the victim is older than 65 years of age.

3. "Homeless status" means that the victim:

a. Lacks a fixed, regular, and adequate nighttime residence; or

b. Has a primary nighttime residence that is:

(I) A supervised publicly or privately operated shelter designed to provide temporary living accommodations; or

(II) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

4. "Emergency services personnel" shall mean anyone who provides emergency medical services and other public safety services to the scene of an emergency.

5. "Firefighter" means any firefighter regularly employed by a fire department of any municipality, county, or Special Fire Control District of the state of Florida.

6. "Law enforcement officer" means any active or retired municipal, county, or state law enforcement officer, state and county correctional officer, or Public Service Aids, and those employees of any municipal, county, state or federal law enforcement agencies whose duties include the enforcement of municipal, county, state or federal laws.

(2) A person or organization that establishes by clear and convincing evidence that it has been coerced, intimidated, or threatened in violation of this section has a civil cause of action for treble damages, an injunction, or any other appropriate relief in law or in equity. Upon prevailing in such civil action, the plaintiff may recover reasonable attorney's fees and costs.

(3) It is an essential element of this section that the record reflect that the defendant perceived, knew, or had reasonable grounds to know or perceive that the victim was within the class delineated in this section.

**Section 2.** The City Clerk is hereby instructed to send a copy of this resolution to the members of the Florida Legislature, the Governor and his cabinet, the Florida Department of Law Enforcement as well as to all of the law enforcement agencies of all of the Florida counties and municipalities.

**Section 3. Severability.** If any section clause, sentence, or phrase of this resolution is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this resolution.

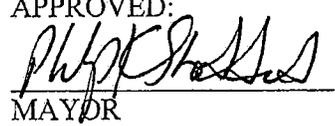
**Section 4. Effective Date.** This resolution shall become effective immediately upon adoption by vote of the City Commission.

PASSED AND ADOPTED this 7th day of June, 2016.

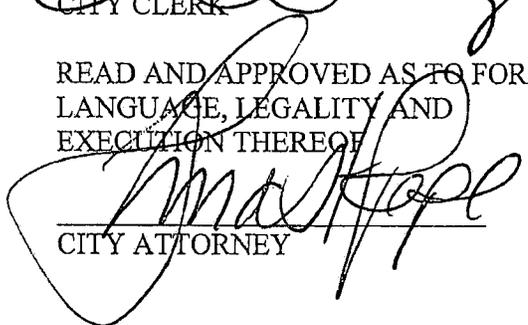
ATTEST:

  
CITY CLERK

APPROVED:

  
MAYOR

READ AND APPROVED AS TO FORM,  
LANGUAGE, LEGALITY AND  
EXECUTION THEREOF

  
CITY ATTORNEY

COMMISSION VOTE: 5-0  
Mayor Stoddard: Yea  
Vice Mayor Welsh: Yea  
Commissioner Harris: Yea  
Commissioner Edmond: Yea  
Commissioner Liebman: Yea

**Condensed Title:**

A Resolution Of The Mayor And City Commission Of The City Of Miami Beach, Florida, Accepting The City Manager's Recommendation Of AECOM To Modify The Methodology For Calculating The Equivalent Residential Unit (ERU) For Stormwater Utility Usage, And Directing The City Administration To Draft An Ordinance Amending Chapter 110 Of The City Code To Implement The Modified ERU Calculation From 791 To 849 Square Feet Of Impervious Area.

**Key Intended Outcome Supported:**

**Supporting Data (Surveys, Environmental Scan, etc.):**

**Item Summary/Recommendation:**

The City's utility rates are structured to collect the necessary revenues to meet operating and maintenance costs of the infrastructure, to cover debt service for bonds, and to maintain adequate operating fund reserves. At its September 10, 2014 meeting, the City Commission adopt an ordinance, on first reading, to amend Chapter 110, of the Miami Beach City Code adjusting the stormwater utility rates.

Following the first reading, the City Commission discussed having received e-mails from several residents questioning the veracity of the City's stormwater rate methodology, while others wondered whether the rates proposed were fairly apportioned. At its September 30, 2014 meeting, the City Commission approved on second reading and public hearing, Ordinance No. 2014-3898.

The current stormwater methodology utilizes an allocation of the Equivalent Residential Unit (ERU). One ERU presently equates to 791 square feet of impervious area and is the base unit of all residential units throughout the City. This measurement serves as the common index to compare runoff generated by each property. The ERU is developed using a statistical sampling of residential parcels which totals the impervious area including the building footprint and any additional impervious areas such as driveways, walkways, porches, decks, etc. For billing purposes, residential units are considered the same regardless of whether it is a condominium or a single family dwelling. Non-residential customers are charged a stormwater fee by taking the actual impervious area and dividing it. The total number of current ERU's is 110,265. The annual revenue requirement is then divided by the total number of ERU's to determine the required rate.

At the Mayor's Blue Ribbon Panel on Sea Level Rise meeting on May 31, 2016, a presentation was provided by AECOM reviewing the present methodology and providing alternatives to modify the current method. The Panel voiced concerns with the proposed method and offered suggestions to be incorporated prior to the method moving forward.

At the Finance and Citywide Projects Committee (FCWPC) meeting on June 17, 2016, a presentation was made by AECOM on the current and proposed methodologies. The basis for the change was the revised value of the ERU from 791 square feet to 849 square feet, which was derived by an analysis of residential properties including condominiums. Therefore, due to the increase in the square footage, the stormwater fees would result in some shift of revenue requirements from non-residential properties to residential properties. Several tiers of residential properties were presented from small to very large properties and their subsequent calculated annual fee based on current rates. There was concern expressed by the Committee that there appeared to be too large an increase on the medium single family residence. The recommendation of the FCWPC was to review the methodology that was presented taking into account the concerns discussed, for staff to meet individually with each Commissioner prior to the next Commission meeting; and put an item on the agenda for the City Commission's consideration.

AECOM has modified their recommendations to address the concerns raised at the FCWPC. The proposed ERU remains the same at 849 square feet of impervious area. However, the single family home class has been reduced from four tiers to only two tiers. This means that the majority of the single family homes will remain as a single ERU while those with the largest impervious footprint will be measured and calculated.

**The Administration recommends approving the resolution.**

**Advisory Board Recommendation:**

See above summary.

**Financial Information:**

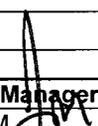
Source of Funds:	Amount	Account
<b>Total</b>		

**Financial Impact Summary:**

**City Clerk's Office Legislative Tracking:**

Eric Carpenter ext: 6012

**Sign-Offs:**

<b>Ast. Department Director</b> JJF 	<b>Assistant City Manager/DPW</b> ETC	<b>City Manager</b> JLM 
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# 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 Morales, City Manager

DATE: July 13, 2016

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE CITY MANAGER'S RECOMMENDATION OF AECOM TO MODIFY THE METHODOLOGY FOR CALCULATING THE EQUIVALENT RESIDENTIAL UNIT (ERU) FOR STORMWATER UTILITY USAGE, AND DIRECTING THE CITY ADMINISTRATION TO DRAFT AN ORDINANCE AMENDING CHAPTER 110 OF THE CITY CODE TO IMPLEMENT THE MODIFIED ERU CALCULATION FROM 791 TO 849 SQUARE FEET OF IMPERVIOUS AREA.**

### ADMINISTRATION RECOMMENDATION

The Administration recommends adopting the Resolution.

### BACKGROUND

The City's utility rates are structured to collect the necessary revenues to meet operating and maintenance costs of the infrastructure, to cover debt service for bonds, and to maintain adequate operating fund reserves. At its September 10, 2014 meeting, the City Commission adopted an ordinance, on first reading, to amend Chapter 110, of the Miami Beach City Code adjusting the stormwater utility rates.

Following the first reading of the aforesaid ordinance, the City Commission discussed having received e-mails from several residents questioning the veracity of the City's stormwater rate methodology, while others wondered whether the rates proposed were fairly apportioned (Some thought that single family homeowners should pay more, while others thought condominiums should pay less or that those living in mostly flooded areas should pay more). The City Attorney stated that the City's current rate calculation was calculated in 1996 and, at that time, based upon an analysis and report prepared by the City's Consultant (at that time CH2M Hill).

At its September 30, 2014 meeting, the City Commission approved on second reading and public hearing, Ordinance No. 2014-3898, amending stormwater utility rates for Fiscal Year 2014/15. As a result of these discussions, the City has enlisted the assistance of AECOM, the City's flooding and sea level rise consultant, to review the current stormwater rate methodology.

**ANALYSIS**

The current stormwater methodology utilizes an allocation of the Equivalent Residential Unit (ERU). One ERU presently equates to 791 square feet of impervious area and is the base unit of all residential units throughout the City. This measurement serves as the common index to compare runoff generated by each property. The ERU is developed using a statistical sampling of residential parcels which totals the impervious area including the building footprint and any additional impervious areas such as driveways, walkways, porches, decks, etc. For billing purposes, residential units are considered the same regardless of whether it is a condominium or a single family dwelling. Each residential property is assessed equally. Non-residential customers are charged a stormwater fee by taking the actual impervious area and dividing it by the 791 square feet. The total number of current ERU's is 110,265. The annual revenue requirement is then divided by the total number of ERU's to determine the required rate.

At the Mayor's Blue Ribbon Panel on Sea Level Rise meeting on May 31, 2016, a presentation was provided by AECOM reviewing the present methodology and providing alternatives to modify the current method. The Panel voiced concerns with the proposed method and offered suggestions to be incorporated prior to the method moving forward.

At the Finance and Citywide Projects Committee (FCWPC) meeting on June 17, 2016, a presentation was made by AECOM on the current and proposed methodologies. The basis for the change was the revised value of the ERU from 791 square feet to 849 square feet, which was derived by an analysis of residential properties including condominiums. Therefore, due to the increase in the square footage, the stormwater fees would result in some shift of revenue requirements from non-residential properties to residential properties. Several tiers of residential properties were presented from small to very large properties and their subsequent calculated annual fee based on current rates. There was concern expressed by the Committee that there appeared to be too large an increase on the medium single family residence. The recommendation of the FCWPC was to review the methodology that was presented taking into account the concerns discussed, for staff to meet individually with each Commissioner prior to the next Commission meeting; and put an item on the agenda for the City Commission's consideration.

AECOM has modified their recommendations to address the concerns raised at the FCWPC. The proposed ERU remains the same at 849 square feet of impervious area. However, the single family home class has been reduced from four tiers to only two tiers. This means that the majority of the single family homes will remain as a single ERU while those with the largest impervious footprint will be measured and calculated.

**CONCLUSION**

The Administration recommends that the Mayor and City Commission adopt the Resolution.

  
JM/MT/ETC/JF/BAM/FRS

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE CITY MANAGER'S RECOMMENDATION OF AECOM TO MODIFY THE METHODOLOGY FOR CALCULATING THE EQUIVALENT RESIDENTIAL UNIT (ERU) FOR STORMWATER UTILITY USAGE, AND DIRECTING THE CITY ADMINISTRATION TO DRAFT AN ORDINANCE AMENDING CHAPTER 110 OF THE CITY CODE TO IMPLEMENT THE MODIFIED ERU CALCULATION FROM 791 TO 849 SQUARE FEET OF IMPERVIOUS AREA.**

**WHEREAS**, the City's utility rates are structured to collect the necessary revenues to meet operating and maintenance costs of the infrastructure, to cover debt service for bonds, and to maintain adequate operating fund reserves; and

**WHEREAS**, at the September 10, 2014 City Commission meeting the Administration introduced the first reading of an ordinance to amend Chapter 110 of the City Code, seeking to adjust the stormwater utility rates; and

**WHEREAS**, following the meeting, the City Commission advised the Administration of various communications they received from several residents questioning the veracity of the stormwater rate methodology; wondering whether the rates proposed were fairly apportioned (as some residents believed that homeowners should pay more, others believed that condominium owners should pay less, and others believed that persons living in high risk flood areas should pay a greater amount of the utility rate); and

**WHEREAS**, during the discussion, the City Attorney advised the City Commission that the City's current stormwater rate methodology was established in 1996, and, at that time was supported by an analysis and rate report prepared by the City's consultant, CH2M Hill; and

**WHEREAS**, at the second reading hearing of the Ordinance, on September 30, 2014, the City Commission approved Ordinance No. 2014-3898, and amended the stormwater utility rates for Fiscal Year 2014/15; and

**WHEREAS**, despite adopting the stormwater utility rates, the City Commission continued the discussion as to the utility rate methodology, which is currently known as the Equivalent Residential Unit (ERU), which is calculated at 791 square feet of impervious area (the estimated 1996 calculation for charging private properties for the public drainage utilized by their property because of the impervious area that results in stormwater runoff); and

**WHEREAS**, based upon the foregoing, the City enlisted the assistance of AECOM, the City's flooding and sea level rise consultant, to review the current stormwater rate methodology; and

**WHEREAS**, the City Commission also directed that AECOM complete its report and to modify the appropriate ERU methodology, and for the City Administration to prepare an ordinance amending Chapter 110 to reflect the modified ERU methodology; and

**WHEREAS**, on May 31, 2016, the Mayor's Blue Ribbon Panel on Sea Level Rise was presented with AECOM's recommendation, which reviewed the present methodology and provided alternatives to modify the current method of calculating the ERU; and

**WHEREAS**, on June 17, 2016, the Finance and Citywide Projects Committee was presented with the AECOM recommendation, and the Committee recommended that the methodology be reviewed with individual Commissioners and placed on the next City Commission agenda; and

**WHEREAS**, AECOM recommended that the ERU calculation be modified from 791 square feet to 849 square feet of impervious area, as the impervious area of private property has increased in the past 20 years; and

**WHEREAS**, the City Manager recommends accepting the recommendation of AECOM to modify the methodology for calculating the Equivalent Residential Unit (ERU) for stormwater utility usage; and also requests that the City Commission direct the City Administration to draft an ordinance amending Chapter 110 of the City Code to implement the modified ERU calculation from 791 to 849 square feet of impervious area.

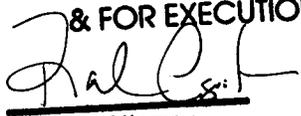
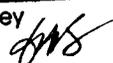
**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, that the Mayor and City Commission hereby accepts the City Manager's recommendation to modify the methodology for calculating the Equivalent Residential Unit (ERU) for stormwater utility usage, and direct the City Administration to draft an ordinance amending Chapter 110 of the City Code to implement the modified ERU calculation from 791 to 849 square feet of impervious area.

**PASSED AND ADOPTED** this \_\_\_\_ day of July, 2016.

ATTEST:

\_\_\_\_\_  
Rafael Granado, City Clerk

\_\_\_\_\_  
Philip Levine, Mayor

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION  
  
\_\_\_\_\_  
City Attorney  
Date 7/11/16  


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# MIAMI BEACH

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

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: Jimmy L. Morales, City Manager 

DATE: July 13, 2016

SUBJECT: **A DISCUSSION REGARDING FUNDING FOR EVENTS IN FISCAL YEAR 2016-2017.**

### BACKGROUND

The City of Miami Beach will be hosting several new or one-time events during Fiscal Year 2016-17 and it is anticipated that funding will be required to support those events. Based on current Resort Tax projections for Fiscal Year 2015/16, we anticipate having sufficient Resort Tax surplus to cover these one-time expenses. The Administration is seeking direction from the City Commission whether or not to budget funding in support of the following events:

- World OutGames – May 2017
- Major League Baseball All-Star Game FanFest – July 2017
- Air and Sea Show – May 2017
- ITF Seniors World Team and Individual Championships – August 2017

### ANALYSIS

#### World OutGames

The Miami Beach - Miami LGBT Sports & Cultural League, Inc (LGBTSCCL) is a Florida non-profit organization formed to bid on the World Outgames. They are a group of active community leaders involved in Human Rights, Culture or Sports throughout our LGTBQ community. The League was formed to insure that a competitive and organized bid be delivered to Gay Lesbian International Sports Association (GLISA) for the World Outgames 2017.

On March 2, 2013, GLISA announced Miami Beach-Miami will host the 2017 World Outgames. The event will be held May 24 – June 3, 2017. In 2013, LGBTSCCL requested \$500,000 (payable over several years) in cash and \$250,000 in-kind from the City in support of the event. The City ultimately agreed to \$100,000.00, provided, however, that LGBTSCCL shall reimburse \$50,000.00 of the grant amount to the City upon receipt of funding by the Visitor and Convention Authority (VCA). To date, the City has not received the reimbursement.

At this time, LGBTSCCL is requesting the City provide in-kind support from all City Departments including, but not limited, Permitting - Special Events and Building, Transportation, Police, Fire, and Sanitation. Additionally, they have requested waiver of all rental fees associated with any use of Lummus Park (Main Village), Colony Theater (Culture Events), Convention Center (Registration/Human Rights Conference), Miami Beach Golf Course (Golf Sport), Normandy Golf Course (Golf Sport), and Fillmore Backstage (Culture Event). Finally, they have requested funding in the amount of \$300,000.

In an effort to support the World OutGames, the Administration recommends in favor of the waiver of rental/permit fees associated with the use of Lummus Park, Colony Theater, Convention Center, Miami Beach and Normandy Shores golf clubs, and the Fillmore Backstage.

If the City Commission is inclined to support their request for \$300,000, then the Administration recommends those funds be disbursed based on the recommendation of the LGBT Advisory Committee, which includes achievement of specific benchmarks.

Finally, the Administration does not support their request for in-kind staff to support the event. It has been a long standing policy of the City not to provide in-kind staff for events because the City hosts over 300 special event each year and this would set a precedent for other events.

#### Major League Baseball All-Star Game FanFest

Major League Baseball (MLB) has chosen Miami as the host for their annual All-Star game in 2017. There will be a series of events in Miami-Dade County associated with the game and the Miami Beach Convention Center is the venue for the FanFest. FanFest will be open to the public from July 7 – 11, 2017 with expected attendance in excess of 100,000 people. Similar to when the Super Bowl and Wrestlemania are held in the County, the Miami Marlins and MLB have requested in-kind and financial support for the All-Star game. In recognition of the amount of events and publicity the City is projected to receive, the City has been requested to waive rent for use of the Miami Beach Convention Center and funding in the amount of \$100,000 which will be used to cover public safety related expenses.

#### Air and Show

At the December 9, 2016, City Commission Meeting, Resolution No. 2015-29226 was adopted, which authorized the City enter into an agreement with A National Salute to America's Heroes, LLC for the production of the Air and Sea Show during Memorial Day Weekend 2017.

The agreement requires the City and Applicant to be responsible for the costs and expenses associated with Police, Fire, Ocean Rescue, and Sanitation services within the Event Site and Event Impact Area. City shall be responsible for initial expenses up to the amounts associated with Memorial Day Weekend for the immediately preceding calendar year (2016), adjusted annually for either (1) wage increases for personnel for the foregoing City departments or (2) inflation utilizing the United States Bureau of Labor Statistics, Consumer Price Index for All Urban Consumers; U.S. City average (1982-84=100), whichever is lower (the "City's Initial Contribution"). Applicant shall be responsible for all of City's costs and expenses in excess of the City's Initial Contribution, up to the maximum amount of \$200,000 ("Applicant's Initial Contribution"). City and Applicant to each be responsible for 50 percent (50%) of all costs in excess of Applicant's Initial Contribution. Applicant shall reimburse City for any amounts due under this Agreement within fourteen (14) days of receipt of any invoice from City.

City departments are still developing their staffing plans and associated expenses, but initial indication is that the City will still need to prepare for large crowds that traditionally visit Miami Beach during Memorial Day Weekend in addition to the Air and Sea Show. The Air and Sea Show will primarily be a daytime event and the traditional Memorial Day Weekend crowds primarily occur in the evenings. At this time, a very conservative estimate from all City departments is that an additional \$1,500,000 of funding will be required to support the event.



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