



COMMISSION MEMORANDUM

TO: Mayor Matti Herrera Bower and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: October 7, 2008

SUBJECT: **REPORT OF THE NEIGHBORHOODS/COMMUNITY AFFAIRS COMMITTEE MEETING HELD ON WEDNESDAY, SEPTEMBER 24, 2008.**

A meeting of the Neighborhoods/Community Affairs Committee was held on Wednesday, September 24, 2008 at 2:30pm in the City Manager's Large Conference Room, 4th Floor, City Hall. Commissioners in attendance: Mayor Matti Herrera Bower, Commissioners Jonah Wolfson, Jerry Libbin, Deede Weithorn, and Vice-Mayor Richard L. Steinberg. City staff in attendance: Hilda M. Fernandez, Assistant City Manager; Jose Smith, City Attorney; Raul Aguila, Deputy City Attorney; Debora Turner, First Assistant City Attorney; Fred Beckmann, Public Works Department Director; Max Sklar, Cultural Affairs and Tourism Development Director; Greg Tindle, Code Compliance Division Director; Ana Cecilia Velasco, Asset Manager; Dennis Leyva, Redevelopment Specialist; Barbara Hawayek, Customer Service Manager; Michael Gruen, Miami Beach PD; John Heffernan and A. C. Weinstein of the Mayor and Commissioner's Office; and Randi MacBride, Code Compliance Division.

1. DISCUSSION REGARDING A PROPOSED AMENDMENT TO CHAPTER 18 ARTICLE XV STREET PERFORMERS AND ART VENDORS ON LINCOLN ROAD AND OCEAN DRIVE.

Hilda M. Fernandez, Assistant City Manager, introduced the item and explained that research has been done on other cities that have artist vending and the Administration met with vendors in the summer at a meeting arranged by Mayor Bower to obtain their input and introduce the concept of citywide licensing. She explained that staff is prepared to move forward, if the committee wishes, with amendments to the vendor ordinance to provide for some basic requirements as listed in the memo provided. This would include requiring anyone that wishes to art vend in the city, whether it is for a location in a regulated area or not, to obtain a citywide license or certification. The process would include submission of an application and an appearance before the Fine Arts Board or one of its committees where the artist would have to produce the art they wish to have certified to sell. Sould the designated board or committee certify that the applicant makes the art they wish to sell, they will be granted a license/certification.

Commissioner Libbin expressed his concern with people lining up in areas where he has received a number of complaints. Ms. Fernandez explained the proposal is to regulate all of Collins Avenue up to at least 28th Street and could recommend all of Collins Avenue up to 87th Terrace.

The recommendation also includes Washington Avenue from South Pointe to Dade Boulevard, extending Ocean Drive southward to South Pointe, Espanola Way, along with all of the beachwalks and baywalks. Ms. Fernandez also stated that increasing the number of tables allowed on Ocean Drive is being considered. She explained that the lottery is changing so that

when a name is drawn, that person will be able to select their location from the available spots, which may alleviate some of the low attendance of some vendors. The proposal also requests that future additions to locations for vendors be done through resolution to the commission so there would be a public forum.

Commissioner Weithorn asked if licenses will be required to be displayed. Ms. Fernandez explained that certifications will be required to be worn and permits, if required for the location, will be required to be displayed on the table; both will have photographs.

Commissioner Libbin made the motion to move this on to draft the amendment and bring to the commission. Commissioner Weithorn seconded.

ACTION: The committee unanimously moved to proceed with the amendment and bring it to the meeting of the city commission.

2. DISCUSSION OF HOW THE CITY CAN ASSIST OUR ELDERLY OBTAIN EXTRA INCOME THROUGH PART TIME JOBS.

Commissioner Wolfson explained his concern with what the city is doing now and what the city can do for the elderly of this community. Ms. Fernandez explained that during the budget process, the commission approved filling a vacant position for an Elderly Services Coordinator. This will mean the city will have a fulltime person to handle referrals that are currently being absorbed by staff.

Mayor Bower suggested utilizing elderly for temporary services with the city. Ms. Fernandez said the Elderly Coordinator would be able to develop a program with the temp agency the city uses to maintain a pool of retirees or seniors to fill in as needed.

Commissioner Weithorn suggested the Elderly Coordinator could reach out to the business community who also has temporary needs.

Commissioner Wolfson stated he would like to discuss further with Ms. Fernandez.

ACTION: The committee made no motion.

3. DISCUSSION REGARDING AN ORDINANCE CREATING ARTICLE XI, TO BE ENTITLED "DANGEROUS INTERSECTION SAFETY," OF CHAPTER 106, ENTITLED "TRAFFIC AND VEHICLES," OF THE MIAMI BEACH CITY CODE, PROVIDING FOR INTENT AND DEFINITIONS; ESTABLISHING AN ENFORCEMENT PROGRAM WITHIN THE CITY; AUTHORIZING THE CITY TO PERMIT AND IMPLEMENT THE USE OF UNMANNED CAMERAS/MONITORING DEVICES FOR RED LIGHT VIOLATIONS; PROVIDING ENFORCEMENT PROCEDURES, INCLUDING NOTICE, APPEAL HEARING, PENALTIES, THE IMPOSITION OF ADMINISTRATIVE CHARGES, AND THE COLLECTION THEREOF; PROVING FOR EXCEPTIONS; AND PROVIDING FOR CODIFICATION; SEVERABILITY; REPEALER; AND AN EFFECTIVE DATE.

Fred Beckmann, Public Works Department Director, explained the history of this item since March 2007 when it was initially introduced. Since that time, programs have been initiated in several cities. He reminded the committee that these types of violations would result in civil infractions not moving violations. The recommendation, should the committee move this item forward, is to issue a Request for Proposal (RFP) for a vendor to run the program.

Commissioner Libbin stated that the idea was for this to be a turnkey to the city. The city would tell the company where it wants the cameras, the company would, at their expense install, monitor, and collect the money, and there would be a revenue split. City Attorney Jose Smith stated that police need to go through the pictures to determine their validity. Vice-Mayor Steinberg added that the City of Aventura is currently in their third month of this program. Commissioner Libbin suggested using the cameras at the major points of entrance and exit to the city, such as the causeways. He also asked where the intersections were that the cameras would be set up. Michael Gruen, Miami Beach Police Department, advised that he has a list of the ten most accident-prone intersections in the city. Mr. Beckmann explained that the ordinance presented is dealing with red light violations, not the causeways.

Mayor Bower and Commissioner Wolfson asked if staff had researched any studies and if the police department believes this will improve public safety. Mr. Gruen stated that he believes these cameras will improve public safety and he has information regarding Tucson, Arizona. Mayor Bower stated that she has reports that are not in favor of it. Vice-Mayor Steinberg explained that these cameras will decrease red light running and therefore the accident is resolved. On the other hand, he explained that there has been an uptake in most places where such a program has been implemented, of rear-endings because people slam on their brakes, most likely because they are afraid of the cameras and therefore they might get rear-ended if someone is tailing them. Vice-Mayor Steinberg continued that he personally believes that the more tragic accidents are the ones when someone runs the red light versus when someone fails to stop timely.

Mayor Bower stated that she wants this to be researched before passing, rather than afterwards, and she does not like the idea of big brother watching over everyone. Commissioner Libbin stated that the pictures will only be of the license plate on the rear of the car, not the driver. Mr. Gruen explained that if this is made transparent and into a public information education campaign by the city explaining that this is being done to discourage people from running red lights and to decrease the number of fatalities; it will be good and people will know what they are facing.

Mr. Smith stated that the Attorney General opinion does not deal with the issue of code violations; it says a traffic infraction cannot be issued, that you cannot prosecute and that someone cannot get points on their license. There is no case on point in Florida, although there have been cases in other states; one in Minnesota that was struck as having violated state law, however, there is a more recent case from Ohio where it seems to go the other way.

Commissioner Libbin made a motion to move forward to draft the ordinance and, once it is adopted, to do an RFP. Commissioner Wolfson seconded. Commissioner Weithorn voted against saying she would like more time. After some discussion Commissioner Libbin made a motion to have the request for an RFP to be issued be placed on the October commission agenda and place the ordinance on the November commission agenda for first reading. Commissioner Wolfson seconded and Commissioner Weithorn agreed.

ACTION: The committee moved to have the request for an RFP to be issued placed on the October commission agenda and place the ordinance on the November commission agenda for first reading.

4. DISCUSSION REGARDING RESOLUTION 2006-26174 WHICH APPROVED THE SELECTION OF A PUBLIC ART COMMISSION FOR SOUTH POINTE PARK, ENTITLED "DRIFT", AND AUTHORIZED THE MAYOR AND CITY CLERK TO EXECUTE A CONTRACT WITH THE ARTIST, IÑIGO MANGLANO-OVALLE, IN THE AMOUNT OF \$500,000, FOR DESIGN, CREATION, AND INSTALLATION OF THE AFORESTATED WORK OF ART.

Ms. Fernandez explained the recommendation by the Art in Public Places Committee (AiPP) is to issue a new Call to Artists and leave the budget at the original amount which was \$500,000.

Commissioner Libbin made a motion to do as recommended. Commissioner Weithorn seconded. Commissioner Libbin added that he was uncomfortable with the fact that previously only two of the seven artists qualified. He suggested that the restrictions for the Call to Artists be a little less cumbersome while still ensuring the budget and deadline are met so that there are more applicants to choose from. Max Sklar, Cultural Affairs and Tourism Development Director, explained that there are a lot of artists that will not participate in a competitive process. He stated that options could include a completely open Call to Artists where anybody within certain parameters that the city decides can apply; or a limited Call to Artists where there are certain types of artists that work with certain types of materials that the city is looking for specific for this project. Mayor Bower added that she would like to see something interactive.

Commissioner Libbin asked if the city is looking into insuring this art. Mr. Sklar explained that they are looking into securing insurance right now for the Dan Graham project on the 1100 block of Lincoln Road. However, they must wait until the project is finished in order to have it appraised before they can get a quote.

ACTION: The committee moved to issue a new Call to Artists for South Pointe Park with a project budget not to exceed \$500,000 as recommended by Administration.


JMG/HMF/rtm



MIAMI BEACH

NEIGHBORHOODS/COMMUNITY AFFAIRS COMMITTEE

SEPTEMBER 24, 2008

SIGN-IN SHEET

PLEASE PRINT LEGIBLY

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