



# MIAMI BEACH

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

## COMMISSION MEMORANDUM

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

FROM: Jorge M. Gonzalez, City Manager

DATE: March 18, 2009

SUBJECT: **REPORT OF THE NEIGHBORHOODS/COMMUNITY AFFAIRS COMMITTEE MEETING HELD ON TUESDAY, FEBRUARY 17, 2009.**

A meeting of the Neighborhoods/Community Affairs Committee was held on Tuesday, February 17, 2009 in the City Manager's Large Conference Room, 4<sup>th</sup> Floor, City Hall. Commissioners in attendance: Mayor Matti H. Bower, Edward L. Tobin, Vice-Mayor Jonah Wolfson, Jerry Libbin, Saul Gross, Deede Weithorn, and Victor L. Diaz, Jr. City staff in attendance: Jorge M. Gonzalez, City Manager; Hilda M. Fernandez, Assistant City Manager; Robert C. Middaugh, Assistant City Manager; Raul Aguila, Deputy City Attorney; Max Sklar, Cultural Affairs and Tourism Development Director; Kevin Smith, Parks and Recreation Department Director; John Oldenberg, Parks and Recreation Department Assistant Director; Julio Magrisso, Parks and Recreation Assistant Director; Ana Cecilia Velasco, Asset Manager; Al Zamora, Sanitation Division Director; Fernando Vazquez, City Engineer; Michael Alvarez, Public Works Department Assistant Director; John Heffernan, Anne Swanson, Ben Torter, AC Weinstein, and Alex Fernandez of the Mayor and Commissioner's Office; and Randi MacBride, Code Compliance Division.

THE MEETING WAS OPENED AT 2:38 PM.

**1. SELECTION OF A CHAIR AND VICE-CHAIR FOR THE NEIGHBORHOODS/COMMUNITY AFFAIRS COMMITTEE FOR A TERM OF ONE YEAR.**

Commissioner Tobin made a motion to select Commissioner Libbin as the chairperson of this committee. Vice-Mayor Wolfson seconded. Commissioner Libbin made the motion for Commissioner Tobin to be the Vice-chairperson of the committee. Commissioner Tobin seconded.

**ACTION:** The committee selected Commissioner Libbin as the chairperson and Commissioner Tobin as the vice-chairperson of the Neighborhoods/Community Affairs Committee.

**2. DISCUSSION AND REPORT OF THE ART IN PUBLIC PLACES PROGRAM.**

Max Sklar, Cultural Affairs and Tourism Development Director, reviewed the history of the Art in Public Places (AiPP) program. He explained that there are a few outstanding items for which the AiPP committee is seeking direction, including the potential project at 3<sup>rd</sup> Street and Washington Avenue and South Pointe Park.

Ms. Hilda M. Fernandez, Assistant City Manager, added that the deaccessioning of two pieces of public art needs to be discussed and a clarification that not all public art on display was done through the AiPP committee.

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James Weingarten introduced himself and expressed his concerns regarding the 3<sup>rd</sup> Street and Washington Avenue pump station.

Mariangela Capuzzo introduced herself and spoke on the 3<sup>rd</sup> Street and Washington Avenue pump station.

Claire Breukel introduced herself and spoke on the 3<sup>rd</sup> Street and Washington Avenue pump station.

Elizabeth Resnick introduced herself spoke on the selection of the artist and the maintenance of the art.

Commissioner Diaz expressed his concern that the sample of the tile that is to be used for the project at 3<sup>rd</sup> Street and Washington Avenue would not actually produce a result that will appear the same as pictured in the artist's rendering. He was also concerned with the maintenance of the tiles; how to prevent the tile from delaminating from the metal box and how to prevent the tile from being removed by someone. Ms. Capuzzo explained the process to adhere the tiles to the surface and the cleaning process.

Commissioner Libbin made a motion to reinstate and move ahead with the project for the pump station at 3<sup>rd</sup> Street and Washington Avenue. Commissioner Wolfson seconded.

Michael Alvarez, Public Works Department Assistant Director, suggested doing a pilot on one panel to assess the reflection for drivers for both day-time and night-time. Commissioner Libbin added that to the motion. Commissioner Wolfson seconded.

Ruth Remington spoke.

Commissioner Diaz added that he thinks this project is a mistake and not a prudent use of city funds.

Ms. Fernandez explained that the artist of "Speed Love Seat" piece that was removed from Lincoln Road because it was in need of repair and dangerous, has provided an estimate for replacement for \$26,500. Commissioner Tobin asked Bob Halfhill, Property Management Division Director, to provide an update to the commissioners confirming that he has advised everyone in his division that they had thrown away a piece of art that they should not have thrown away.

Motion made by Commissioner Libbin to deaccession the "Speed Love Seat". Commissioner Tobin seconded. Commissioner Wolfson asked if the committee wants to replace the piece to which the committee referred the discussion of replacement of the "Speed Love Seat" to the AiPP committee asking them to report back to the committee with a recommendation.

Commissioner Diaz suggested deferring the discussion on the Red Sea Road to the next meeting as Mr. Peter Saile has offered to contact the artist. Commissioner Diaz stated that his view was that if Mr. Saile is willing to pay for it or have the artist do it for less money, rather than just deaccessioning the piece, donating it to the creation of the Altos del Mar Sculpture Park as the first piece is a better choice than selling it for a low price.

Ms. Fernandez spoke on the subject of the art piece in South Pointe Park. She explained that the AiPP committee has recommended doing a call to artists for multiple pieces using the allocated funds rather than a single art piece. Commissioner Gross suggested purchasing pieces if it is decided to have several art pieces, rather than commissioning.

Commissioner Diaz expressed his support of a single piece for this park. He suggested having the Director of the Bass Museum involved in this process.

Rhonda Mitrani spoke.

Commissioner Weithorn stated that she believes that, given the layout of the park, she believes that one signature piece in the place where it was designed to go makes sense.

Ruth Remington spoke.  
David Kelsey spoke.

Mayor Bower reminded the committee to be aware of maintenance and potential graffiti issues as it relates to any piece selected.

Commissioner Tobin asked for the status of the default letter that was sent to the artist Paul Fullerton to be provided to the next meeting of the Neighborhoods/Community Affairs Committee.

Ms. Fernandez advised the committee of the administration's recommendation to reengage the original artist of the lifeguard stands to see if there is a way we can discuss the possibility of him doing some design work as the City begins the replacement cycle for lifeguard stands. Commissioner Gross added that the artist had already submitted a proposal some time ago so he believes he is interested.

The committee moved to defer discussion regarding pump stations to a future meeting of the Neighborhoods/Community Affairs Committee.

Ms. Fernandez clarified that the previous discussion was regarding the electrical boxes located in a plaza at 3<sup>rd</sup> Street and Washington Avenue for a pump station, not an actual pump station.

Commissioner Gross asked for the AiPP to begin making recommendations for use of the \$1M in the AiPP fund.

Commissioner Diaz stated he would like to see Silvia Cubina, Bass Museum Director, have a position on the AiPP committee. Commissioner Gross and Commissioner Weithorn suggested her position be ex-officio.

Commissioner Libbin asked for more information on insuring the art collection.

**ACTION:** The committee moved the following:

- Reinststate the project for the electrical boxes in the plaza at 3<sup>rd</sup> Street and Washington Avenue and to first do one panel to test the reflection for drivers during both day-time and night-time.
- Deaccession the "Speed Love Seat" and have the AiPP Committee report back to the Neighborhoods/Community Affairs Committee their suggestion as to whether to spend the \$26,500 to replace it.
- Defer the discussion of the deaccession of the "Red Sea Road" sculpture until Mr. Peter Saile has made an effort to reach out to the artist.
- Administration to report back to the Neighborhoods/Community Affairs Committee on the status of the default letter that was sent to the artist Paul Fullerton.
- Defer discussion regarding pump stations to a future meeting of the Neighborhoods/Community Affairs Committee.

**3. DISCUSSION REGARDING CITY CODE PROVISIONS REGARDING LOBBYIST PARTICIPATION ON CITY BOARDS.**

After a lengthy discussion, the committee moved to defer this item to discuss further at the next meeting of the Neighborhoods/Community Affairs Committee.

Prior to deferral, the committee discussed narrowing the exception for non-profit lobbying by board members to "managerial/non-managerial employees", to be developed more fully by the City Attorney's Office in conjunction with Commissioner Diaz, and presented to the committee at its March 11, 2009 meeting.

David Kelsey spoke.

**ACTION:** The committee moved to defer this item to discuss further at the next meeting of the Neighborhoods/Community Affairs Committee.

**4. DISCUSSION REGARDING INSTALLING A STOP SIGN AT THE INTERSECTION OF 11TH STREET AND JEFFERSON AVENUE.**

Robert Middaugh, Assistant City Manager, explained that the County recommended against the stop sign requested by the residents in the neighborhood. The County did recommend a more fully developed pedestrian crossing which will involve some concrete bulb-outs as well as solar powered flashing warning signs activated by the pedestrian.

Fernando Vazquez, City Engineer, explained the criteria used by the County to determine what warrants the installation of a pedestrian signal and that the device being presented, required a lower criteria and was currently being used in Coral Gables.

Kimberly Lake spoke.  
David Kelsey spoke.

**ACTION:** The committee made no motion on this item.

**5. DISCUSSION REGARDING THE ISSUE OF DOGS OFF LEASH IN CITY PARKS AND OTHER PUBLIC PROPERTIES IN GENERAL.**

Hilda M. Fernandez, Assistant City Manager, explained that the administration was not able to contact the representative from the Responsible Dog Owners (RDO) to attend so she requested to defer this item to the next meeting.

Commissioner Libbin expressed his concern of reports of people being bothered by dogs off-leash and that he believes it is a problem having dogs off-leash in public spaces, other than in dog parks. He added that it is a big problem when dogs intimidate residents and visitors and he does not think it should be allowed.

There was some discussion regarding enforcement. Ms. Fernandez explained that Code Compliance does have a leash patrol along with several other patrols and they have issued, since last June, twelve violations of which two were for failure to pick up after your dog and ten were for no leash.

Ruth Remington spoke.

Ms. Fernandez advised that administration is not recommending amending the ordinance to allow dogs off-leash. Vice-Mayor Wolfson asked if someone from code can go to each park several times per week during the hours of 5:30pm and 8:00pm. Ms. Fernandez advised that is being done in Belle Isle and in Pinetree Park. The detail that handles this also handles artist vendors, litter, monitoring tennis pros on the public courts, and handbills. There is a problem with resources however we can arrange to rotate the parks they visit and add to the locations they visit.

Commissioner Libbin reminded the committee that the ordinance allows security guards to enforce the dog issues. Ms. Fernandez agreed and added that the parks that are a problem do not have the security guards. Commissioner Tobin asked to prioritize this issue for some period of time before somebody gets bitten and come back to the next Neighborhoods meeting and see what happens. Vice-Mayor Wolfson suggested going out once a week, alternating the day and you will catch the offenders.

Commissioner Tobin made the motion to have administration reprioritize for the next two months and then see where we are. Vice-Mayor Wolfson seconded.

Commissioner Gross stated that the committee had already approved the dog beach over a year ago with direction to administration to write the rules and regulations. Commissioner Libbin stated that he would be against the dog beach if there is no one there to supervise it. Vice-Mayor Wolfson and Commissioner Weithorn expressed their concern with the proposed location of the dog beach because they would have to walk through the park to reach the beach and this has the potential to be dangerous with the now heavy use of the park.

Jorge M. Gonzalez, City Manager, stated that in light of the current economic situation he cannot recommend putting somebody out there to regulate this.

Commissioner Weithorn asked if an alternate location can be looked into for the dog beach so that users of the beach do not have to walk through a green space or an alternate entry that is not through the Open Space park.

**ACTION:** The committee deferred the beach component of this discussion to the next meeting of the Neighborhoods/Community Affairs Committee.

## **6. DISCUSSION REGARDING THE POTENTIAL OPERATIONAL ISSUES RELATED TO THE NEWLY RECONSTRUCTED SOUTH POINTE PARK.**

Kevin Smith, Parks and Recreation Department Director, opened the discussion by reviewing the management plan for South Pointe Park. He explained that prior to the closing of the park, the operational hours were sunrise to midnight and they are proposing the same hours when the park re-opens. He added that the restaurant, Smith and Wollensky is open until 2:00am on Friday and Saturday and visitors to the restaurant may want to walk the cutwalk to enjoy the lights. Commissioner Tobin asked if the restaurant could help with security after midnight on those nights. Mr. Smith explained that security is planned for 24 hours daily and that they are advocating closing the park sections at midnight with the exception of south of the restaurant, namely the cutwalk area until 2:00am with security in force to ensure the other areas are closed.

Commissioner Libbin asked why not close the park at 2:00am on Friday and Saturday so it would be consistent with the hours of the restaurant. Jorge M. Gonzalez, City Manager

explained that "closing" the park, does not mean the park is physically closed however it allows security to move people out.

John Oldenberg, Parks and Recreation Assistant Director, explained that one of the reasons that midnight was chosen was that sanitation services are budgeted until 11:30pm so it is a matter of keeping the area clean as well as a security issue. Commissioner Weithorn suggested closing the park earlier than suggested since this is in the middle of a residential area.

Ruth Remington spoke.

A lengthy discussion ensued regarding the hours. Mr. Gonzalez explained, from an operational perspective, closing earlier is better.

Commissioner Gross suggested establishing hours and revisit the issue in six months after the opening of the park. Commissioner Libbin made a motion to close the park daily at 10:00pm and the hours of the cutwalk would mirror the hours of operation of Smith and Wollensky. Vice-Mayor Wolfson seconded.

Hilda M. Fernandez, Assistant City Manager, requested direction from the committee regarding programming in the park.

Kimberly Lake spoke.

A lengthy discussion ensued regarding special events, their intensity and frequency. Commissioner Tobin asked for agreement to direct the City Manager to look into managing the frequency of events at the park. Ms. Fernandez added that Smith and Wollensky had asked for the use of park greens for special events associated with their restaurant. The committee determined to have the restaurant go through the same special event process as any other person or group with the same limitations per year.

There was some discussion on limiting the total number of events in the park and Mr. Gonzalez added that the city is creating a new venue that it has never owned before and to limit ourselves right now is probably not wise. We should grow into it and eventually we will get to a limited number of events. Commissioner Wolfson requested a monthly report at each commission agenda as to the number of events.

The committee agreed with the administration's recommendation for no dogs off-leash, no fishing until the pier is opened, and no swimming in the park. The committee determined to not allow bicycles, skateboards, rollerblades on elevated pathways (pedestrians only) and no skateboards on the cutwalk.

Kevin Smith reviewed the rental rates. Mayor Bower expressed her concern with commercial events and noise on the rooftop in the park. Commissioner Weithorn added that no commercial banners should be allowed. The committee asked that Ms. Fernandez come back with ideas for guidelines on the use of the rooftop.

Note: Recording of the meeting ended due to technical difficulties at approximately 5:32pm.

With regard to direction on the handling of the concession area, the committee recommended to move forward with a Request for Proposals (RFP). The committee asked the administration to work with the Legal department to eliminate artist vendors and street performers from the park.

**ACTION:** The committee made the following recommendations/requests:

- The park will close daily at 10:00pm and the hours of the cutwalk will mirror the hours of the restaurant, Smith and Wollensky.
- Parks programming should be developed for the park
- Special events (via special events permits) to be allowed in the park however the administration is to report to the commission monthly on the number of events that are occurring for possible limits to be considered if necessary
- Smith and Wollensky is to request use of the park for special events via the special event permit process as any other person or group
- Dogs are not to be permitted off-leash in the park
- No fishing allowed in the park
- Do not allow bicycles, skateboards, rollerblades on elevated pathways (make pedestrians only) and no skateboards on the cutwalk.
- No swimming from the park allowed
- The concession shall go through the RFP process.
- Administration is to work with the legal department to eliminate artist vendors and street performers from the park.

**7. DISCUSSION REGARDING A RESOLUTION ADOPTED BY THE ORCHARD PARK NEIGHBORHOOD ASSOCIATION REQUESTING THE CREATION OF AN ORGANIC COMMUNITY GARDEN IN PINE TREE PARK.**

Commissioner Libbin advised that the community is aware that is no funding at this time for this project.

Janna Whitley spoke.

**ACTION:** The committee moved to allow this project to go through the regular Capital Improvements process.

THE MEETING ADJOURNED AT 5:52 PM.

JMG/HMF/rfm



MIAMI BEACH

NEIGHBORHOODS/COMMUNITY AFFAIRS COMMITTEE

February 17, 2009

SIGN-IN SHEET

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NEIGHBORHOODS/COMMUNITY AFFAIRS COMMITTEE

February 17, 2009

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