



# 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: December 14, 2011

SUBJECT: **REPORT OF THE NEIGHBORHOODS/COMMUNITY AFFAIRS COMMITTEE MEETING HELD ON THURSDAY, NOVEMBER 10, 2011.**

A meeting of the Neighborhoods/Community Affairs Committee was scheduled for Thursday, October 6, 2011 at 3:00 pm in the City Manager's Large Conference Room, 4<sup>th</sup> Floor in City Hall. **Commissioners in attendance:** Commissioners Jerry Libbin, Michael Góngora (arrived at 3:52 pm) and Jonah Wolfson (arrived at 4:08 pm). Members from the Administration and the public were also in attendance. Please see the attached sign-in sheet.

### THE MEETING OPENED AT 3:23 PM

#### 1. QUARTERLY REPORT ON CRIME STATISTICS FOR THE MONTHS OF JULY, AUGUST, AND SEPTEMBER 2011. (Quarterly Report to Committee) (3:23 PM)

Police Division Major John Bambis reported on the crime statistics for the quarter ending September 30, 2011. He detailed that the numbers are down in homicides, rapes, robberies, and aggravated assaults when compared to prior years which results in an overall reduction of about 6.5% in violent crimes for year to date. The categories that are up are non-violent crimes which are basically property crimes. While burglaries are down, larcenies are up, driven by retail and beach thefts.

Major Bambis explained that trends identified in the mid-beach area included an increase in curtilage burglaries; basically targeting sheds, air-conditioning units, lawn equipment, tools and bicycles. He added that an arrest has been made in relation to the air-conditioning thefts.

Gabriel Redfern spoke.

Major Angel Vazquez reviewed some of the anticipated changes in policing and staffing plans that will become effective November 21, 2011.

Carol Housen spoke.

A short discussion ensued regarding the powers of security guards.

This presentation was made without quorum (only Commissioner Libbin present). There was a break in the meeting from 3:40pm – 3:52pm, when Commissioner Góngora arrived.

**ACTION:** No action taken, this was a report.

Agenda Item C6A  
Date 12-14-11

**2. DISCUSSION REGARDING FOOD TRUCKS. (4:50 PM)**

**1. DISCUSSION REGARDING A CITY SPONSORED FOOD TRUCK FESTIVAL.**

*(Returning from the July 7, 2011 NCAC meeting. Originally referred January 19, 2011 Commission, Item C4G, Requested by Commissioners Tobin and Góngora)*

**2. DISCUSSION TO PRIORITIZE THE PROPOSED ALTERNATIVES FOR THE FESTIVAL OF THE ARTS. (Referred at October 19, 2011 Commission, Item C6C)**

Assistant City Manager Hilda M. Fernandez explained that the topic of food trucks was requested to return to the NCAC for further discussion.

Commissioner Góngora explained that he recommended this discussion because of the popularity of food trucks and his belief that this would be a benefit to the community because it will draw people to an event that may result in them staying and discovering what else this neighborhood offers. He added that he does not see these food trucks as competition to the neighborhood businesses because they would be only an occasional event.

Ms. Fernandez clarified the number of meetings that had been held with the businesses in the North Beach area to discuss the idea of food trucks.

George Rodriguez spoke.

Longsomboon spoke.

Yagiro Lara spoke.

Daniel Veitia spoke.

Manual Minagorri spoke.

Marguerite Ramos spoke.

Giacomo Famularo spoke.

Commissioner Góngora suggested having one more public meeting and be sure all the businesses and residents are invited from the neighborhood. He also would like to attend to hear the community's thoughts and concerns. He asked that the City Attorney's staff research what other communities are doing as it pertains to food trucks and their regulation as far as cleanliness, as well as ensuring the vendors pay the City the same fees as required of local businesses.

Commissioner Wolfson expressed his concern of the impact on the local businesses.

Raul Aguila, Chief Deputy City Attorney, stated that ordinances in other cities are usually regarding the permanent approval of food trucks in their jurisdiction.

Commissioner Libbin stated that he believes that other commissioners are not in favor of bringing these food trucks to South Beach; they are only interested in allowing them in the North Beach area. The thinking is these trucks would bring people to an area that is underutilized.

Ms. Fernandez reminded the committee that when the idea was first proposed, it was going to be done as a pilot program through a special event permit process which would be the mechanism to allow it. Mr. Aguila stated that staff could look at other municipalities' ordinances and make those the conditions of a special event permit. Both Commissioners Libbin and Góngora agreed that is the way to go and not to consider a citywide ordinance.

Commissioner Góngora made the motion to ask the Administration to take the discussion to the community again with notice to everyone to start looking at conditions that could be put into a

special event permit and to bring it back to the NCAC in February. Commissioner Libbin asked that the motion include discussion of a requirement for a food truck event to happen, that it is part of an actual event and not an event in itself. Commissioner Góngora agreed. Commissioner Libbin seconded the motion.

Ms. Fernandez reviewed the recommendations for the alternatives for the North Beach Festival of the Arts including:

- Continue the DISH program through June, which will involve asking the participating restaurants if they wish to continue, and trying to solicit additional restaurant participation
- Expand the DISH program by asking the Miami Beach Stage Door Theater to give a discount to anyone that shows up with a restaurant receipt
- Friday Night Skates at the Bandshell
- Movies in the Bandshell
- Booking of two productions of the Teen Club Drama Program in the Bandshell
- North Beach Nights and Lights

In terms of North Beach Nights and Lights, Ms. Fernandez explained that staff has met with businesses surrounding the Normandy Fountain regarding this program that would begin the Friday after Thanksgiving and run through the end of the year. This would be a partnership with the businesses where they would participate by looking at how they could augment the lighting around the fountain and the City would use some resources to provide for entertainment, stage, risers, audio-visual needs, and publicity to promote the events by funding the costs involved. The idea is to use local talent such as the Miami Beach Jazz Ensemble. She added that the budget developed for the Nights and Lights is \$10,000, of which \$2,500 is estimated to be funded privately (for the lights). She explained that funding previously allocated to the North Beach Festival of the Arts, had been shifted to general North Beach community development, so this is not new money but money that was previously in the budget and is now being reallocated for different opportunities to enhance and do some economic development in North Beach.

Commissioner Libbin was not in favor of some businesses contributing to support events while others do not. He suggested having fewer events to be shared around the area with no one having to contribute. He recalled fondly the Friday Night Skates events from the past as they were very successful. He noted that he is in favor of the events and he would like the City to find the additional \$2,500 for additional lighting.

Ms. Fernandez stated that she could re-work the schedule and the budget, however, the only reason why the budget was worked this way is because this Commission had previously told Administration that they did not want to invest additional funding in lights. If now the direction is that it is okay to spend the money on lights, she will plan as such, as the private funding was to be used for the lights. Commissioner Libbin requested to put in the lighting and not to charge the businesses. Commissioner Góngora stated that he was fine with that also.

Commissioner Góngora made the motion to recommend approval to fund the recommended programming including the Normandy Nights and Lights Project. Motion was seconded by Commissioner Libbin.

Ms. Fernandez noted, for the record, that the Nights and Lights Festival is scheduled to start the day after Thanksgiving, prior to any Commission ratification of these priorities.

**ACTION:** The Committee, (Commissioners Libbin and Góngora present) moved to recommend approval to fund the recommended programming including the Normandy Nights and Lights Project. **(VOTE: 2-0)**

**3. DISCUSSION OF POTENTIAL POLICIES FOR THE NOMINATION/NUMBER OF MEMORIALS OR COMMEMORATIVE PLAQUES.** *(Referred at February 9, 2011 Commission, Item R7A), Requested by Commissioner Tobin)*

**ACTION:** The item was not discussed.

**4. DISCUSSION ON THE VIABILITY OF STORING CITY DIRECTED TOWED VEHICLES ON TERMINAL ISLAND.** *(Referred at June 1, 2011 Commission, Item R9F, Requested by Commissioner Tobin)*

**ACTION:** The item was not discussed.

**5. DISCUSSION REGARDING THE ISSUE OF MOVING THE BIKE LANE TO WEST AVENUE AND THE LOSS OF PARKING SPACES.** *(Referred at July 13, 2011 Commission, Item R9C, Requested by Commissioner Góngora) (3:52 PM)*

Commissioner Góngora explained his concern for the safety of bicyclists on Alton Road and his thought that the better and safer location for bike lanes is on West Avenue.

Fred Beckmann, Public Works Department Director explained that representatives from the Florida Department of Transportation (FDOT) are present at the meeting to provide a quarterly status report of the Alton Road project and discuss the bike lanes as it relates to Alton Road and West Avenue.

Daniel Iglesias, the FDOT Project Manager for this project presented an update on the project. He explained that the project has been divided into two projects. One component is to install pump stations in three locations and a second component is to do a reconstruction of Alton Road from Fifth Street to Michigan Avenue. He explained that construction on the drainage project is anticipated to begin in April 2013 and he will be able to provide a timeframe of the reconstruction project at a later date. Mr. Iglesias reviewed the scope of the reconstruction project. He also reviewed several different options for bike lanes on Alton Road, some of which are not recommended.

Chief Deputy City Attorney Raul Aguila explained that after the City Commission meeting in July, the after-action was to pursue two avenues in case the City Commission opted to challenge any finding by FDOT with regard to the placement of bike lanes on Alton Road. One avenue was to make it a Legislative priority and have our lobbyist in Tallahassee meet with FDOT to try and see if a solution could be found. The other was a challenge under the State Statute. The concern expressed now and by the City Commission in July is that bike lanes on Alton Road is one of public safety. The City would like to meet with FDOT to express this position. Failing that, at a point when FDOT issues a final order or a final recommendation if the City wants to challenge it would be pursuant to an administrative action. He believes right now, that the options for

challenge by the City are by saying that bike lanes are not required on Alton Road under one of three exceptions and by demonstrating that.

Commissioner Wolfson joined the meeting (4:08pm)

Mr. Iglesias continued reviewing the different options for bike lanes on Alton Road. Darlene Fernandez, Transportation Coordinator reviewed and summarized the loss of parking on Alton Road and its connector streets.

Helen Swartz spoke.  
Adam Shedcoff spoke.  
Michael Leonard spoke.  
Jane Lawson spoke.  
Sheryl Gold spoke.

Commissioner Libbin asked Assistant City Manager Hilda M. Fernandez to arrange for a public workshop on the status of the City's Bike Master Plan.

Mr. Aguila asked the FDOT representatives to provide contact information for their legal counsel.

Gabrielle Redfern spoke.

Commissioner Góngora stated that he likes the idea of the public workshop. He made a motion to recommend to the City Commission to authorize the City's Legal staff to challenge the placement of bike lanes on Alton Road when the time is appropriate. Motion seconded by Commissioner Libbin.

Fred Beckmann, Public Works Department Director, asked the committee for clarification as to whether it is or is not considering FDOT's West Avenue option for bike lanes as presented by FDOT which would include the alternate route for bike lanes on West Avenue along with connector bike lanes on all side streets with no bike lanes on Alton Road. Commissioner Libbin stated that his recollection is that the majority of the City Commission preferred bike lanes on West Avenue and that he would prefer to not have connector bike lanes on every side street.

Mr. Aguila stated that the basis of the legal challenge would be that having the bike lanes on Alton Road is contrary to public safety. Mr. Beckmann added that the Basis of Design Report for the City's West Avenue Project already includes bike lanes on West Avenue and that what is missing is the connector bike lanes. If the City prevails in a challenge of the state's requirement of bike lanes on Alton Road then the City can do whatever it wants including the placement of lanes on West Avenue and the decision of the locations for placement of connector bike lanes.

**ACTION:** The Committee, (Commissioners Libbin and Góngora present) moved to recommend to the City Commission to authorize the City's Legal staff to challenge the placement of bike lanes on Alton Road when the time is appropriate.

**6. DISCUSSION REGARDING CHANGES MADE TO THE DISABILITY ACCESS COMMITTEE.**  
*(Referred at September 14, 2011 Commission, Item R9G, Requested by Commissioner Jonah Wolfson) (5:35 PM)*

Commissioner Wolfson explained that he put this item on for discussion because there was thought that the Committee's membership was going to be doubled and there was disappointment when it did not happen.

Chief Deputy City Attorney Raul Aguila explained that Mr. David New had requested the increase in the committee membership because he wanted to appoint members of the Disability Access Committee (DAC) to serve in an ex-officio capacity in other boards and committees to speak on ADA issues. He was told that those members would have to meet the attendance requirements of those committees on which they serve. The Commission recommended not to increase the composition of the DAC, but to put language in the enabling legislation of the ordinance saying that members of the DAC could appear before other boards and committees and make recommendations on access issues.

Helen Swartz spoke.

Commissioner Góngora made the motion to recommend to the City Commission to increase the membership of DAC to fourteen. Motion was seconded by Commissioner Libbin.

**ACTION:** The Committee, (Commissioners Góngora and Libbin present) moved to recommend to the City Commission to increase the membership of the DAC to fourteen.

**7. DISCUSSION REGARDING A NORMANDY NIGHTS AND LIGHTS FESTIVAL PROJECT FOR THIS UPCOMING HOLIDAY SEASON. (Referred at October 19, 2011 Commission, Item R9M) (5:37 PM)**

**ACTION:** See item 2 above.

**8. DISCUSSION REVISITING THE CITY'S POLICY ON CHINA. (Referred at June 1, 2011 Commission, Item C6C, #12, Requested by Commissioner Libbin)**

**ACTION:** The item was not discussed.

**9. DISCUSSION REGARDING AN ORDINANCE AMENDING CITY CODE TO COMPLY WITH THE NEW STATE LAW PREEMPTING THE REGULATION OF THE FIREARMS TO THE STATE OF FLORIDA. (Referred at October 19 2011 Commission, Item C4F, Requested by Commissioner Libbin) (5:32 PM)**

City Attorney Jose Smith explained that the Florida Legislature, at its last Legislative session, preempted the regulation of firearms to the State. If a local government regulates firearms or enforces local firearm regulations, the local government, as well as its officials, are subject to fines and other sanctions, including imprisonment. The reason for the recommended changes to the City Code is to eliminate any local regulation with regard to firearms.

Commissioner Góngora made the motion to move this to the full City Commission. Motion seconded by Commissioner Libbin.

**ACTION:** The Committee, (Commissioners Libbin and Góngora present) moved this item to the full City Commission. **(VOTE: 2-0)**

**THE MEETING ADJOURNED AT 5:38 PM.**

**Note:** The remaining meetings of the Neighborhoods/Community Affairs Committee for 2011 are:

December 8, 2011 (Thursday)



JMG/HMF/rfm

T:\AGENDA\2011\12-14-11\NCAC Report- NOVEMBER 10-2011 (2).doc



# MIAMI BEACH

## NEIGHBORHOODS/COMMUNITY AFFAIRS COMMITTEE

November 10, 2011

### SIGN-IN SHEET

PLEASE PRINT LEGIBLY

126

NAME	ORGANIZATION / DEPT.	PHONE NO.	EMAIL
Adam Shedcott	Resident	786-267-9720	AMS33139@YAHOO.COM
Chabelle	BASIC	305 790 5461	BEILM@GMAIL.COM
RAFIQ ALQASEM	ATKINS	305-514-3415	rafiz.alqasem@attic.org
A LEAL	OCEAN BLUE <sup>BOAT</sup> RESIDENT	305 868 7124	Oceanbluecondo@gmail.com
Carol Housen	NBDC as ST TROPIC CONDOS	305 992 8163	carolhousen@gmail.com
JANE LOSSON	Restores	305.904.0262	JLOSSON@YAHOO.COM
SHERYL GOLD	Resident	305 672 6388	shergoldcom@gmail.com
John Bambis	MAJOR MBPD	305 673 7945	JBAMBIS@miamibeachfl.gov
DEBRA TURNER	LEGAL	X6441	debraturner@miamibeachfl.gov
ANGEL VAZQUEZ	POLICE	X5154	AVAZQUEZ@MIAMI BEACH FL. GOV



# MIAMIBEACH

## NEIGHBORHOODS/COMMUNITY AFFAIRS COMMITTEE

November 10, 2011

### SIGN-IN SHEET

PLEASE PRINT LEGIBLY

NAME	ORGANIZATION / DEPT.	PHONE NO.	EMAIL
Daniel de la	NuBe	305 219 3402	
YABIRO LARA	NORMAN'S TAVERN + HOTEL	305-525-0184	INFO@NORMANS.BIZ
B. LONGSOMBOON	TAMARIND THAI RESTAURANT	305 606-3954	tamarindthai@bellsonline.net
Helea Swartz	Disability Access Comm	610 639 6424	hswartz25@gmail.com
Chris Tavella	FDOT	305-470-5103	comcast.net christavella@dot.state.fl.us
Daniel Iglesias	FDOT	305-470-5266	daniel.iglesias@dot.state.fl.us
Marianne Minagorri	Mina Miami Boutique Beach	305 987 3711	MinaMiamiBeach@gmail.com
Manuel Minagorri	Normandy HOA	305 773-6609	Mina5@aol.com
George Rodriguez	EL RANCHO GRANDE	305.549.2921	georgear23@yahoo.com

127

**THIS PAGE INTENTIONALLY LEFT BLANK**